

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1671 OF 2015

Jayantilalji Dhanraj Borana & Anr.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. A.V.Nikam for the Petitioner.

Mr. K.V.Saste, APP for the Respondent/State.

Mr.Naresh Sanghvi for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : APRIL 30, 2015.

P.C.

1. Heard Mr. Nikam, learned Counsel for the petitioner and the respondent no.2 in person. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of FIR No.12 of 2015 registered on 12.3.2015 with the L.T.Marg Police Station at the instance of the respondent no.2 against the petitioner for the offence punishable under Section 420, 406 r/w. 34 of the Indian Penal Code.

2. Pending investigation, parties settled their dispute amicably and in terms of the understanding arrived at between them, filed the present petition for quashing the subject FIR by consent. The respondent no.2 accordingly has filed affidavit dated 29.4.2015. In paragraph 3 and 4 of the affidavit he has given no objection for quashing of FIR bearing C.R.No.112 of 2015.

3. Respondent No. 2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the said FIR.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no element of public law is involved in the crime. In the circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the

Criminal Courts which are already overburdened.

5. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.

6. Accordingly, petition is allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the Kirtikar Law Library and produce a copy of the receipt on the file of this petition within a period of two weeks from receipt of this order. If the costs is not paid, the petition shall stand dismissed without further reference to the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)