

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

CRIMINAL WRIT PETITION NO. 1758 OF 2012

Dilip Damodar Salvi & Anr.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. A.P. Kulkarni for the Petitioner.

Mr. S. S. Koregave for the Respondent No.2.

Mr.J. P. Yagnik, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : JANUARY 29, 2015.

P.C.

1. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of RCC No.4141 of 2008 pending on the file of the JMFC, Pune.

2. At the instance of the respondent no.2, the Chatursinghi Police Station, Pune registered FIR No.309 of 2008 against the petitioner for the offence punishable under Section 406, 419, 420 r/w. 34 of the

Indian Penal Code.

3. The allegation in the FIR seems to be that in order to secure housing loan, the petitioners furnished agreement of sale which was not genuine. After completion of investigation, chargesheet was filed which was numbered as RCC No.4141 of 2008.

4. The petitioner and the respondent no.2 thereafter settled the dispute amicably. The petitioners have repaid the entire loan of the respondent no.2 along with the interest and the respondent no.2 is not interested in prosecuting the said criminal proceeding. One Mr. Nitin Adkar, authorized signatory of the respondent no.2 accordingly has filed affidavit dated 23.12.2013. In paragraph 2 of the affidavit, no objection is given for quashing the proceeding of the said criminal case. 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 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).

7. As a condition precedent for this order to take effect, the petitioners shall pay costs of Rs.5000/- (Rupees Five Thousand Only) to the Tata Memorial Cancer Hospital, Mumbai and produce a copy of the receipt on the file of this application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)