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**SIN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1993 OF 2015**

Hemant Kumar Parasmal ShahPetitioner
versus
1.State of Maharashtra
2.Deep GuptaRespondents

Mr. Shailesh Kharat, advocate for the petitioner.
Mrs. U. V. Kejriwal, APP for the State.
Mr. Ayaz Khan, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 9th JULY, 2015.

P.C.:

Heard Mr. Kharat, learned counsel for the petitioner, Mr. Khan, learned counsel for respondent No.2 and Mrs.Kejriwal, learned APP for the State.

2. This petition is filed for quashing the proceedings of the criminal case No.437/PW/2014 pending on the file of 47th Additional Chief Metropolitan Magistrate at Esplanade, Mumbai, for the offences punishable under Sections 465, 468, 471, 420 read with Section 34 of the Indian Penal Code, 1860. The said case arises out of FIR bearing C.R. No.75 of 2010 registered with EOW, CB, CID, at the instance of respondent No.2- the then director of Prozone Enterprises Pvt. Ltd.. By virtue of an arrangement and amalgamation which came to be approved

by this Court by an order dated 10th February, 2012, “Prozone Enterprises Pvt. Ltd.” got amalgamated with “Prozone Intu Properties Limited”. Hence, Prozone Enterprise Pvt. Limited ceased to exist w.e.f. the date of the order of the High Court i.e. 10th February, 2012. Prozone Intu Properties Limited in its meeting held on 16th June, 2015, took note of the fact that the dispute which is the subject matter of this petition, is amicably resolved qua the petitioner and resolved to withdraw the subject criminal case qua the petitioner. In pursuance of the resolution, one Mr. Salil Chaturvedi- has filed an affidavit dated 26th June, 2015. In paragraph 7, he has given no objection to quash the proceedings of the said criminal case qua the petitioner. The said resolution further authorises Mr. Anish Makwaney to withdraw/quash the subject complaint filed by Mr. Deep Gupta qua the petitioner. In pursuance of this authority given under the resolution, Mr. Anish Makwaney is present before the Court. On being questioned, he specifically stated that he has no objection, if the proceedings arising out of the said criminal case are quashed and set-aside.

3. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 2014 AIR (SCW) 2065**, we find that no purpose would be served by keeping the

criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the proceedings of the criminal case No.437/PW/2014 pending on the file of 47th Additional Chief Metropolitan Magistrate at Esplanade, Mumbai, are quashed and set-aside qua the petitioner, subject to payment of cost of Rs.30,000/- by the petitioner to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today.

5. Subject to above, the criminal writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)