

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

**CRIMINAL WRIT PETITION NO.1988 OF 2013
WITH
CRIMINAL APPLICATION NO. 283 OF 2013
IN
CRIMINAL WRIT PETITION NO.1988 OF 2013**

Mr. Dipin Nemnath Jain & Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. S.M. Oak a/w Sagar Joshi for the petitioners
Ms. Medha Agarwal i/b Khare Legal Chamber for respondent no.2.
Mrs. P.H. Kantharia, APP for the respondent State

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

DATED: 8th APRIL, 2015.

P.C.

1. Heard learned Counsel appearing for the respective parties.
This petition is filed for quashing the criminal proceedings of FIR
No.64 of 2013 registered with C.B.D. Belapur Police Station, Navi
Mumbai. On 12.05.2013, the said C.R. is registered against the
petitioners at the instance of respondent no.2 for the offence

punishable under Section 420, 406 r/w 34 of the IPC.

2. During the investigation of the said C.R., parties entered into Deed of Settlement, dated 15th May, 2013, copy of which is annexed at Exh.E to the petition. In terms of the said Deed of Settlement, the respondent no.2 has received an amount of Rs.14,32,800/-. Under clauses 6 and 7 of the said Deed of Settlement, respondent no.2 agreed not to proceed with the said FIR. The respondent no.2 is personally present in the Court. On specific query made by us, he states that he has received an amount of Rs.14,32,800/- towards full and final settlement. He has stated that he has no objection to quash the proceedings of the said FIR. He also submitted that he is giving no objection, out of his own free will, without there being any coercion or undue influence.

3. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab*

(2014) AIR SCW 2065 would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

4. Accordingly, the Writ Petition is made absolute in terms of prayer clause (B). The FIR No.64 of 2013 registered by the CBD, Belapur Police Station, Navi Mumbai is quashed and set aside.

5. In view of the disposal of the Writ Petition, Criminal Application No.283 of 2013 does not survive and the same is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)