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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2464 OF 2015

Mr. Sudamsu Upendranath JaluiPetitioner
versus
1.The State of Maharashtra
2. Mr. Abid Dawood CharuliyaRespondents

Mr. Yaspal Thakur i/b. PKA Advocates, advocates for the petitioner.
Mrs. P. H. Kantharia, APP for the State.
Mr. Bhavesh Thakur, advocate for respondent No.2.

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

DATED : 29th JUNE, 2015.

P.C.:

Heard learned counsel appearing for the respective parties
and learned APP.

2. The petition is filed for quashing and setting aside C.R. No.205 of 2015 registered with Phydhonie Police Station, at the instance of respondent No.2, for an offence punishable under Section 379 of the Indian Penal Code, 1860.

3. Pending investigation, the parties have settled their dispute amicably and have approached this Court for quashing the proceedings of the subject C.R. by consent. Respondent No.2 has filed an affidavit

dated 26th June, 2015. He has given consent for quashing the subject FIR. The directors of Minagold Jewels Pvt. Ltd, owners of the stolen property, have placed on record the resolution, under which, one of the director – Mr.Shakil Ebrahim Zaveri has been authorized to file an affidavit. In pursuance of this resolution, he has filed an affidavit dated 26th June, 2015. In paragraph 4, he has given no objection to quash the subject C.R.. Both the complainant and director of Minagold Jewel are present in the Court. On being questioned, they specifically stated that whatever has been stated in their respective affidavits is true and correct and they have no objection for quashing the proceedings of the subject C.R..

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. The offence is compoundable offence. 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. The petitioner is,

accordingly, directed to pay cost of Rs.20,000/- to be deposited with Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and produce the receipt thereof on the file of this petition within a period of two weeks from today. The writ petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

5. It is reported that the petitioner is in custody in connection with the above C.R.No.205 of 2015. Since the said C.R. is quashed, the petitioner shall be released forthwith if not required in any other C.R..

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)