

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.598 OF 2015

Sanjeev S. Chandan, Partner of M/s. A. S. Food ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Devendra V. Chauhan with Mr. Nikhil Kirtane i/b. FF & Associates
for Applicant.
Mrs. M. M. Deshmukh, APP for Respondent No.1-State.
Dr. Saikumar Pathrudu. M. for Respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 07th OCTOBER, 2015.

P.C.:

At the outset, Mr. Saikumar Pathrudu M., learned Counsel makes a statement that he has instructions to appear on behalf of the respondent No.2. He undertakes to file Vakalatnama on behalf of the respondent No.2 during the course of the day. Undertaking accepted.

2. Heard Mr. Chauhan, learned Counsel for applicant, Mrs. Deshmukh, learned APP for respondent No.1-State and Dr. Saikumar, learned Counsel for respondent No.2.

3. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the F.I.R. bearing

C.R.No.I-39 of 2015 registered with CBD Police Station, Navi Mumbai for the offence punishable under Section 420 of the Indian Penal Code, 1860 (later on Sections 467 and 471 of IPC were added in the FIR) filed at the instance of respondent No.2.

4. By order dated 22.09.2015, this Court adjourned the matter to 06.10.2015 at the request of the learned APP and respondent No2, who appeared in person. Meanwhile and pending investigation of the subject FIR, parties settled their dispute amicable and now, they are seeking quashment of the subject FIR by consent. The applicant as well as respondent No.2 have filed separate affidavits, both dated 06.10.2015. The affidavits do show that the dispute between the applicant and respondent No.2 is amicably settled. Respondent No.2 (original complainant) in paragraph 4 of the affidavit, has made a statement that in view of the settlement, he is unwilling to prosecute the FIR, which is the subject matter of this application. Respondent No.2 is personally present in the Court. He confirms the contents of the affidavit. On specific query, he stated that he has received Rs.60,00,000/- from the petitioner towards his dues and legal expenses, and therefore, he has no objection to quash and set aside the subject FIR.

5. 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 subject criminal proceedings are required to be quashed and set-aside. 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.

6. Accordingly, the application is allowed in terms of prayer clause (i) subject to payment of costs of Rs.25,000/- by the applicant to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicant shall pay the said cost and produce receipt thereof on the file of this Court within a period of two weeks from today, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgement / order.