

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3023 OF 2015

Mr. Rangraja R. Iyengar and anr.Petitioners.
versus
Yashpal P. Sharma and ors.Respondents

Mr. M.G.Shukla for the petitioner.
Ms. Smita Dandige for Respondent No.1.
Mrs. M.M.Deshmukh, APP. for the State.

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

DATED : 31st July, 2015.

P.C.:

Heard learned counsel appearing for the respective parties.

2) The petition is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the FIR No.115 of 2015 registered with the Cuffe Parade Police Station, Mumbai at the instance of respondent No.1 Vice President of Equentis Capital Pvt. Ltd. for offences punishable under Sections 420,465, 468,471 read with 34 of the Indian Penal Code.

3) Pending investigation, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them have approached this Court for quashing the proceedings of the subject FIR by consent. M/s. Equentis Capital Pvt. Ltd. has authorized respondent No.1 to appear and/or file/lodge affidavits and other

documents as may be required for and on behalf of the company before any Court and do all necessary acts related thereof on behalf of the company before any court vide its resolution dated 18th May 2015. Respondent No.1 has filed an affidavit dated 31st July 2015. In Paragraph 5, he has given consent to quash and set aside the subject FIR. Respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection for quashing the proceedings of the subject FIR.

4) 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 FIR is 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.

5) Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.15000/- by the petitioners. The petitioners shall deposit the costs with "Shanti Avedna Sadan" an

institution that takes care of the advanced and terminally ill cancer patients within a period of two weeks from today and thereafter produce the receipt thereof on the file of this petition, failing which, the petition shall stand dismissed automatically without further reference to the Court.

6) Learned Counsel for Respondent No.1 states that by an order dated 22.7.2015 the Police Authorities of Cuffe Parade Police Station, Mumbai have freezed the account of M/s. Equentis Capital Pvt. Ltd. being A/c. No.200999854335 (Correct A/c. No.200999854336) with Indus Bank. Since we have quashed the subject FIR, the police order dated 22.7.2015 issued by the Police Inspector of Cuffe Parade Police, Mumbai freezing the account of the said company is quashed and set aside. Consequentially, the said account of the company stands defreezed.

7) It is reported that the petitioner No.1 is in custody under the subject FIR. Since the said FIR is quashed and set aside the petitioner No.1 is directed to be released forthwith if not required in any other offence.

8) Subject to above, writ petition stands disposed of.

Parties to act on a copy of this order duly authenticated by the registry of this Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)