

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CRIMINAL JURISDICTION
CRIMINAL APPLICATION NO.770 OF 2015

Shri Arun Prakash Balani)... Applicant.
V/s.
The State of Maharashtra & Anr.)... Respondents.

Ms. Swapna P. Kode, advocate for Applicant.

Mr. Jayesh Wani, advocate for respondent no.2/Org. Complainant.

Original Complainant present in Court.

Mrs. M.H.Mhatre, APP for the State present.

**CORAM: R.V.MORE &
K.R.SHRIRAM, JJ.
DATED : 7.8.2015.**

P.C. :

Heard the learned counsel for the applicant, respondent no.2 and the learned APP for the State.

2 This application is filed resorting to the provisions of Section 482 of the Cr.P.C. to quash and set aside the F.I.R. bearing C.R.No.6 of 2015 registered with Khar Police Station at the instance of respondent no.2 for the offences punishable under Sections 328,329, 354 and 506 (2) read with Section 34 of the Indian Penal Code, 1860. The said C.R. is registered against the applicant and one more accused namely Japjeev Chaddha. The present application is,

however, filed for quashing the subject FIR against the applicant only.

3 Pending investigation, parties have settled their disputes amicably and arrived at 'Settlement Terms' at Exh.'C' Page 29. By the said Settlement Terms, applicant has agreed to pay to respondent no.2 total amount of Rs.26 Lakhs by way of compensation and respondent no.2 has agreed to give 'no objection' to quash the subject FIR. 'Settlement Terms' are signed by the applicant as well as respondent no.2 along with their respective counsel.

4 In pursuance of the 'Settlement Terms' between the parties, respondent no.2 has filed separate affidavit. In paragraph 4, she has stated that in view of the amicable settlement between her and the applicant, she has 'no objection' to quash and set aside the subject FIR against the applicant. Respondent no.2 is present in the Court. On being questioned, she specifically stated that she has gone through the contents of the said affidavit and the said affidavit is filed as per her own free will and she has given consent to quash the subject FIR without any force or coercion.

5 The learned counsel for the applicant handed over DD for an amount of Rs.24 Lakhs to respondent no.2. Respondent no.2 acknowledged the receipt of the same. In addition to this 24 Lakhs of rupees, applicant has deposited an amount of Rs.2 Lakhs before the concerned Magistrate as a condition of bail in pursuance of the order

dated 16.1.2015 passed by the learned Single Judge of this Court in Bail Application No.24 of 2015. Applicant has no objection if this amount is withdrawn by respondent no.2. We, accordingly, give permission to respondent no.2 to withdraw the said amount of Rs.2 Lakhs which is deposited by the applicant before the concerned Magistrate upon making proper application.

6 Applicant is a Canadian citizen. She proposes to go to Canada on 10.8.2015. She wants to forget the incident. Therefore, in order to maintain cordial relations between the applicant and respondent no.2 coupled with the above facts, in our view, it would be in the interest of applicant to quash and set aside the subject FIR.

7 Considering the nature of the offence as well as the no objection given by the respondent no.2, and in the light of the principles laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that continuation of the criminal proceedings in C.R.No.6 of 2005 would cause great prejudice and hardship to the applicant and would amount to abuse of process of the court.

8 Application is, accordingly, allowed in terms of prayer clause (a) subject to cost of Rs.50,000/- to be paid by the applicant. The applicant shall deposit the costs with Central Police Welfare Fund, A/c.914010029005759 Axis Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this

application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

9 Subject to above, the criminal application stands disposed of.

(K.R.SHRIRAM, J.)

(R.V.MORE, J.)