

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3660 OF 2015

Mr. Shankarnivas Mangilal Gehlot ..Petitioner.

Versus

The State of Maharashtra & Anr. ..Respondents.

Mr. Yashpal Thakur i/by PKA Advocates, advocate for petitioner.

Mr. P.N.Purohit, advocate for respondent no.2.

Mrs. M.M.Deshmukh, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : **16th September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the F.I.R. bearing C.R.No.258 of 2015 registered with L.T.Marg Police Station at the instance of respondent no.2 for the offence punishable under Sections 457 and 380 of the Indian Penal Code, 1860.

3 Pending investigation, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject F.I.R. by consent. Respondent no.2

along with Mr. Hiralal Pratapji Choudhary are partners of M/s. H.P. Gold Trading and this partnership firm is carrying on business of sale and purchase of gold. F.I.R. is filed by respondent no.2 alleging that petitioner has committed an offence of theft of Rs.20 Lakhs. After registration of offence, petitioner was arrested and an amount of Rs.20 Lakhs was recovered from him. Pending further investigation, parties settled their disputes amicably and have approached this Court for quashing the proceedings of the subject F.I.R. by consent.

4 Respondent no.2 has filed affidavit dated 15.9.2015. By making averments in paragraph 4, he has given consent for quashing the proceedings of the subject F.I.R. Another partner of M/s. H.P.Gold Trading, namely, Mr. Hiralal Pratapji Choudhary has also filed authority letter dated 15.9.2015. In paragraph 3 of it, he has stated that he has no grievance or objection of any nature whatsoever, if the above writ petition is allowed by quashing the subject F.I.R.

5 Both respondent no.2 and the aforesaid partner of H.P.Gold Trading are present in the Court. They confirm the contents of the affidavit and authority letter referred above. They specifically state that they have no objection if the subject F.I.R. Is quashed and set aside.

6 From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances,

and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [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. 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.

7 Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of 25,000/- to Tata Memorial Hospital within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

8 Subject to above, the criminal writ petition stands disposed of.

9 L.T.Marg Police Station shall refund an amount of Rs.20 lakhs recovered from the petitioner after registration of the F.I.R. bearing C.R. No.258 of 2015 to respondent no.2 on behalf of M/s. H.P.Gold Trading after receipt of appropriate application from respondent no.2 subject to satisfaction of his ID.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

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