

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3560 OF 2013

Neeru Rajiv Sharma

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Ms. K.H.Rajani i/b. Abhijeet Parulekar for the Petitioner.

Mr.J.P.Yagnik, APP for the State.

Mr. P.J.Das for the Respondent no.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : FEBRUARY 04, 2015.**

P.C.

1. Heard. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of FIR No. I-198 of 2013 registered on 15.5.2013 at Mira Road East (Kanakia Park) Police Station, Thane.

2. The abovesaid FIR is filed at the instance of the respondent no.2, against the petitioner and the respondent no.3 for the offence punishable under Section 406, 420, 506 r/w. Section 34 of IPC.

3. During pendency of the investigation the parties have settled their dispute amicably and in pursuance of the said understanding filed this petition for quashing of the proceeding of the said FIR.

4. The respondent no.2 has filed affidavit dated 4th February, 2015. In paragraph 5 of the said affidavit he has given unconditional no objection for quashing the FIR. The respondent no.2 is personally present in the court. On specific query made by us, he submitted that he has made the said statement in the affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR filed by him against the petitioner.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no public law is involved in the crime. In the circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the

Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.
7. Accordingly, petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)