

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1133 OF 2015

Casby Logistics Pvt. Ltd. and others ... Applicants
Vs.
State of Maharashtra and another ... Respondents

Mr. Shyam Kalyankar i/b. J. Sagar Associates for Applicants.
Mr. K. V. Saste, APP for Respondent No.1-State.
Mr. Manoj Kadam for Respondent No.2.

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

DATE : 23rd OCTOBER, 2015.

P.C.:

Heard Mr. Kalyankar, learned Counsel for applicants, Mr. Saste, learned APP for respondent No.1-State and Mr. Kadam, learned Counsel for respondent No.2.

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the FIR bearing C.R.No.122 of 2015 registered with Khalapur Police Station, Raigad, at the instance of the respondent No.2, for the offences punishable under Sections 406, 417, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860.

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 and setting-aside the subject FIR by consent. Respondent No.2 has filed affidavit dated 21.10.2015. In paragraphs 6 and 7, he has given no objection to quash the subject FIR. Respondent No.2, who is personally present in the Court, confirms the contents of the affidavit. On specific query, he states that he has gone through the affidavit and has understood the contents thereof.

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

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicants to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic

purposes. The applicants 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.]

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