

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4244 OF 2015**

1. Sushila Vasant Gala

Petitioner/
Orig.Complainant

Vs

1. The State of Maharashtra;
2. Kinjal Vasant Gala;
3. Suhas Lavekar;

.. Respondents

Mr. R.D.Siroya, Advocate for Petitioner.

Mrs. M.H.Mhatre, A.P.P for Respondent no.1-State.

Mr. Amey Deshpande, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 28th OCTOBER, 2015.**

PC:

Not on Board. Mentioned for urgent production. Production granted in view of urgency.

1. Heard learned counsel and learned A.P.P appearing for the respective parties.

2. This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/original complainant for quashing and setting aside F.I.R, bearing C.R.No.237/2015 registered with Kalachowki Police Station, Mumbai against the respondents no.2 and 3 for offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner/original complainant is a widow. Respondent no.2 is daughter of the petitioner and respondent no.3 is

Goldsmith. The petitioner in the FIR alleged that respondent no.2 had taken out the petitioner's ornaments from Bank locker and pledged with respondent no.3-Goldsmith dishonestly and fraudulently.

4. Pending investigation, the parties settled their dispute amicably and pursuant to the understanding arrived at between the parties, the petitioner-original complainant has approached this Court for quashing and setting aside FIR bearing C.R.No.237 of 2015 registered with Kalachowky Police Station, Mumbai. The petitioner-complainant is personally present in the court and on our specific query, she states that the dispute is settled between the parties and she has no grievance against respondents no.2 and 3. She states that she has no objection if the FIR is quashed and set aside against respondents no.2 and 3.

5. It can, thus, be seen that the dispute is of civil nature nature, which has now been settled amicably between the parties. From perusal of the complaint, it transpires that the allegations are personal in nature. There is no element of public law involved in the case. 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.

6. Accordingly, Petition is allowed in terms of prayer clause (a). F.I.R. bearing C.R.No.237 of 2015 registered at Kalachowky Police Station Mumbai is quashed and set aside. The criminal writ petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)