

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

CRIMINAL WRIT PETITION NO. 4459 OF 2014

Dinesh Kumar Jain

.. Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Yashpal Thakur i/b PKA Advocates for the petitioner

Mr. Bhavesh Thakur i/b Rahul Arote for respondent no.2

Mrs. S.V. Sonawane, APP for the respondent State

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 11th FEBRUARY, 2015.

P.C.

1. Heard learned Counsel for the respective parties. Rule. Rule is made returnable forthwith. By consent, the petition is taken up for final hearing.

2. This petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of the C.R. No.89 of 2012. The said C.R. is registered on 24.09.2012 with E.O.W. Unit-I, Mumbai at the instance

of respondent no.2 against the petitioner for offence punishable under Sections 120B, 420, 465, 467, 468 and 471 of the IPC.

3. The respondent no.2 has filed an affidavit. It is stated that the petitioner has settled the accounts and outstanding dues of the respondent no.2 bank. Since the amount is received by respondent no.2 along with the interest, joint request is made for quashing of the criminal proceedings. It is stated that the said criminal proceedings be quashed in the interest of the society, qua the petitioner.

4. The respondent no.2 is personally present in the Court. On a specific query made by us, he has stated that he has no objection for quashing the aforesaid C.R. No.89 of 2012. It must be stated at this stage, the proceedings of the C.R. No.89 of 2012 came to be quashed by this Court against the main accused Satish Pujari, by order dated 19th October, 2013 in Criminal Application No.733 of 2013.

5. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014)*

AIR SCW 2065 would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

6. The Writ Petition is made absolute in terms of prayer clause (B) and (D). The criminal proceedings being C.R. No.89 of 2012 registed with EOW, Unit-I, Mumbai are quashed and set aside, subject to the petitioner to pay cost of Rs.25,000/- to the Tata Memorial Hospital, Mumbai. Cost is condition precedence.

7. It is further submitted that the petitioner's bank accounts are freezed by the E.O.W. Since by this order, we have quashed the proceedings of C.R. No.89 of 2012, petitioner's bank accounts i.e. (i) Account No.0409020002301 with Bank of Baroda, Opera House Branch and (ii) Account No. 910020050211205 with Axis Bank Ltd., Fort, Mumbai are directed to be defreezed forthwith.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)