

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4518 OF 2015

Standard Chartered Securities (India) Ltd.	..Petitioner
Versus	
1. The State of Maharashtra	
2. Arun Bhasin	..Respondents

Mr. Hiren Mehta, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Ankit Lohiya, Mr. Rishit Badiani and Ms. Swati Jain i/b. A. S. Dayal and Associates, advocates for respondent No.2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 21st DECEMBER, 2015.

P. C. :

Mr. Mehta, learned counsel for the petitioner, at the outset, seeks leave to amend the prayer clause of the petition so as to furnish the number of the FIR. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. This petition is filed under Article 226 of the Constitution of India, 1950 read with provisions of Section 482 of the Code of

Criminal Procedure, 1973 for quashing and setting-aside the criminal case bearing No. CC/69/SW/2015 pending on the file of 37th Additional Chief Metropolitan Magistrate Court at Esplanade. The said case arises out of registration of FIR bearing MECR No. 3 of 2015 with Azad Maidan Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 406, 409, 417, 420, 465, 467, 471 and 120B read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 23rd October, 2015, which is annexed at Exhibit "C", page 27. In paragraphs 3 and 4, he has given his no objection for quashing and setting-aside the proceedings of the subject criminal case against all the accused including the present petitioner. Respondent No.2 is the resident of Canada. He, therefore, could not remain present before this Court. However, his brother – Mr. Avinash Bhasin is present today along with power of attorney given in his favour by his brother-

respondent No.2. In clause (1) of the power of attorney, the said Avinash has been given power to compromise or file the consent terms in proceeding pending before any authority or Court of Law. Mr. Avinash Bhasin is personally present before the Court. On being questioned specifically, he stated that he is giving no objection on behalf of respondent No.2 for quashing and setting aside the proceedings of the subject criminal case.

4. It can, thus, be seen that the matter has been amicably settled between the parties. 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.

5. Accordingly, the criminal petition is allowed in terms of prayer clause (i) subject to payment of costs of Rs.25000/- by the

petitioner to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]