

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4761 OF 2014

Rabinder Singh Bedi and Others. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Sanjay Parab i/b Parab & Associates for the Petitioner.
Mr. S. N. Raj for Respondent No. 2.
Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **February 24, 2015.**

P. C. :

1. This writ petition is filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of C.C.No.997/PW/2008 pending on the file of Metropolitan Magistrate, 47th Court at Esplanade. The said case has arisen from C.R. No.209 of 2007 registered with Cuff Parade Police Station against the Petitioners at the instance of Respondent No.2 for the alleged offences punishable under sections 465, 468, 471, 420 read with 34 of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the Petitioners and the learned Counsel appearing for Respondent No.2 submitted that during the pendency of trial, parties settled their disputes and have arrived at amicable settlement and in pursuance of that understanding, the present petition is filed for quashing of

the afore-stated criminal proceedings, by consent.

3. Respondent No.2 has filed affidavit dated 5th February 2015 stating that he has no objection for quashing the criminal proceedings against the Petitioners initiated at his instance. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said 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 criminal proceedings in question against the Petitioners, namely, the proceedings of C.C.No.997/PW/2008 pending on the file of Metropolitan Magistrate, 47th Court at Esplanade which has arisen from C.R. No. 209 of 2007 registered with Cuff Parade Police Station for the alleged offences punishable under sections 465, 468, 471, 420 read with 34 of the Indian Penal Code, 1860.

4. The allegations against the Petitioners are that the stamp papers on which indemnity bonds are given by them, are forged. The Petitioners have annexed letter from the office of General Manager, India Security Press, Nashik Road. In the said letter, the said authority has stated that stamp papers in question [which were used by the Petitioners for giving indemnity bonds] are genuine. If this is the position, then the possibility of conviction is remote and bleak. In these circumstances, continuation of criminal proceedings would put the Petitioners to great prejudice and hardship.

5. In the light of above 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 made absolute in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/- each, which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]