

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

CRIMINAL APPLICATION NO. 1326 OF 2014

Satyabrato Chakravarty & Anr.

.. Applicants

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. A.J. Shobhawat for the applicants

Ms. Rachik Dhuru for respondent no.2

Mr. F.R. Shaikh, APP for the respondent State

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 3rd FEBRUARY, 2015.

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under Section 482 of the Cr.P.C. for quashing the proceedings of Criminal Case No. 907/PW/2014, pending before the learned Magistrate, 47th Court, Esplanade, Mumbai. At the instance of respondent no.2 FIR No.89 of 2013 was registered against the applicants firstly with Malbar Police Station and later on transferred to Economic Offence Wing, for the offence punishable under Sections 420 and 120(B) of the IPC. After completion of the investigation,

charge-sheet is filed in the Court of learned Metropolitan Magistrate, 47th Court, Mumbai, which is numbered as C.C. No.907/PW/2014.

2. Meanwhile, applicants and respondent no.2 have settled their dispute amicably and agreed to quash the proceedings of the said criminal case, in pursuance to which the present application is filed. The respondent no.2 has filed an affidavit, dated 02.02.2015. In paragraph 4 of the affidavit, he has stated that the petitioners have paid sum of Rs.60,00,000/- to his client as per the consent terms. He has also stated that he has no claim whatsoever against the present applicants. He has stated that he is not inclined to proceed with the above referred criminal case and, therefore, desirous to withdraw the said complaint against the present applicants. In paragraph 5, particulars of the cheques are given. The aggrieved person is not present in the Court. Learned Counsel for the respondent no.2 however, makes a statement that by tomorrow the authority letter or the affidavit of the aggrieved person would be placed on record. Statement is accepted.

3. 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.

4. Accordingly, application is allowed in terms of prayer clause (a) and (b), subject to the applicants to pay costs of Rs.15,000/- to the Tata Memorial Hospital. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)