

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.66 OF 2016

Surendraram Raghuram Yadav	Applicant
versus	
The State of Maharashtra and another	Respondents

Mr.Rajinder Singh Saluja for Applicant.

Dr.F.R.Shaikh, APP, for Respondent no.1.

Mr.Rajesh Kumar S. Patel for Respondent no.2.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 05th April 2016

PC :

1. Rule. Learned APP waives service for the first Respondent. Learned counsel for the second Respondent waives service. Forthwith taken for final disposal.

2. The second Respondent is the first informant at whose instance a first information report ('FIR') alleging commission of offence punishable under Sections 420, 465, 467 read with Section 34 of Indian Penal Code was registered. The allegation made by the second Respondent is that she was intending to acquire a premises. A representation was made by the

Applicant as regards premises more particularly described in the statement of second Respondent on the basis of which FIR has been registered. It is contended that the deal was finalized at the price of Rs.13,30,000/- and the entire amount was paid in cash. It was represented that one Krupashankar Mishra was the original owner of the said premises who allegedly transferred the said premises to one Kasab. Later on it was revealed that said Krupashankar Singh was no more.

3. The second Respondent has filed an affidavit-in-reply stating that the dispute between her and the Applicant has been amicably settled and, therefore, she does not desire to prosecute the proceedings any further. Learned counsel for the second Respondent, on instructions of the second Respondent, who is personally present in the Court, states that the entire amount taken by the Applicant has been returned to her.

4. After having perused the FIR, we find that the case has predominantly civil flavour and there appears to be personal dispute between the parties over immovable property. The offence appears to be of private nature and settlement of the dispute would not have impact on the society. In view of the complete settlement of the dispute, continuation of criminal proceedings will cause undue hardship to both the contesting parties. Moreover, there is absolutely no possibility of conviction. Hence, this is a fit case to exercise power under

Section 482 of the Code in the light of the decision of Apex Court in **Gian Singh Vs. State of Punjab and another**¹.

5. Accordingly, the application must succeed and we pass the following order :

(a) Rule is made absolute in terms of prayer clause (b), which reads as under :

"(b) That this Hon'ble Court be pleased to quash and set aside CR No.98/2015 registered with Sakinaka Police Station, Mumbai"

(b) All concerned to act on an ordinary copy of this order duly authenticated by the registry of this Court.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST

¹ (2012)10-SCC-303