

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.106 OF 2016

Mr.Subir Sarkar i/b Hrishikesh Mundergi for the
applicant
Ms M.H.Mhatre, APP for the respondent No.1
Mr.Chetan Domre for respondent No.2

2 The prayer in this application under section
482 of the Code of Criminal Procedure, 1973 is for
quashing the FIR registered at the instance of the
second respondent for the offences punishable under
sections 420, 465, 467, 471 read with section 34 of
the Indian Penal Code. The second respondent and
others filed a civil suit being Special Civil Suit
No.551 of 2013 in the Court of Civil Judge (S.D.),
at Nashik against the present applicant. In the
said suit, consent terms were filed at Exhibit-26.
There is a clause in the consent terms that the

second respondent will co-operate with the applicant for quashing of the criminal proceedings. The said Court passed a decree in terms of the settlement on 2nd December 2015. The second respondent in his affidavit has accepted that there is an amicable settlement of the dispute. Perusal of the FIR shows that the same was registered on the basis of complaint filed under sub-section 3 of section 156 of the Code of Criminal Procedure, 1973. Perusal of the complaint filed by the second respondent shows that the dispute is purely of a civil nature and pertaining to the property transactions. Now, there is a complete settlement between the parties.

3 The learned counsel for the applicant today in open Court has handed over two demand drafts in the sum of Rs.3,33,333/- and Rs.3,33,334/- respectively to the Advocate for the second respondent in terms of the settlement.

4 In view of the decision of the Apex Court in the case of Gian Singh versus State of Punjab and another¹, this is a fit case to exercise the power under section 482 of the said Code. Hence, the application must succeed.

5 Hence, we dispose of the application by passing the following order:

1 (2012) 10 SCC page 303

(I) Rule is made absolute in terms of prayer clause (a) which reads thus:

"(a) this Hon'ble Court be pleased to quash the complaint arising out of C.R.No.211 of 2015 dated 2.7.2015 against the present applicant registered with Sarkarwada Police Station, Nashik for offences punishable under sections 420, 465, 467, 471 r/w s.34 of I.P.C lodged by respondent No.2 and any further proceedings thereof."

(II) All concerned to act upon an authenticated copy of this order.

(A.A.SAYED, J.)

(A.S.OKA, J.)