

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.936 OF 2010

Mohanlal Premji Patel & Ors.	 Applicants
V/s	
The State of Maharashtra & Anr.	 Respondents

WITH
CRIMINAL APPLICATION NO.123 OF 2010
IN
CRIMINAL APPLICATION NO.936 OF 2010

Mohanlal Premji Patel & Ors.	 Applicants
V/s	
The State of Maharashtra & Anr.	 Respondents
And	
Ramesh Balaram Patil & Ors.	 Intervenors

Mr. R.D. Suryawanshi for the Applicants.
Ms. M.H. Mhatre, APP for the Respondent No.1/State.
Mr. Sachin H. Deokar for the Respondent No.2.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATED : 21 JULY 2016

ORDER:

1 Rule. Heard the learned Counsel appearing for the Applicants, learned Counsel appearing for the second Respondent and learned APP for the first Respondent/State. The second Respondent is personally present in the Court. Forthwith taken up for final disposal.

2 Prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC) is for quashing First Information Report (C.R. No.18 of 2010) registered with Kalyan Taluka Police Station for the offences punishable under section 420, 465, 467, 468 and 506 read with section 34 of the Indian Penal Code. The second Respondent is the first informant who has tendered Affidavit dated 20 July 2016 on record. In the Affidavit, he has mentioned the consideration earlier received from M/s. M.P. Enterprises. Paragraphs 3 and 4 refer to the settlement between him and M/s. M.P. Enterprises. The first Applicant is one of the partners of the said firm.

3 We have perused the First Information Report. After having perused the First Information Report, we find that the dispute has predominantly a civil flavor. It is pure and simple property dispute which arose on the basis of the Development Agreement dated 29 October 2007. The Affidavit of the second Respondent records complete settlement of the dispute over the property.

4 Therefore, in the light of the law laid down by the Apex Court in the case of **Gian Singh vs. State of Punjab**¹, this is a fit case to exercise the power under section 482 of the CrPC. In view of the settlement of the property dispute, continuation of proceedings in criminal Court will cause prejudice to both the Applicants and second Respondent.

1 (2012) 10 SCC 303

5 Hence, the Application must succeed. Accordingly, we pass following order:

i) Rule is made absolute in terms of prayer clause (b) which reads thus:

“(b) This Hon'ble Court be pleased to quash and set aside the proceedings arises out of complaint bearing C.R. No.18/2010 registered with Kalyan Taluka Police Station against the applicants for offences punishable under sections 420, 465, 467, 468, 506, 34 of Indian Penal Code;”

ii) Criminal Application No.123 of 2010 for Intervention does not survive and the same is disposed of accordingly.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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