

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL CIVIL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.201 OF 2016

Amar Vijay Jadhav and Another. .. Applicant.

Vs

Seema Uttamrao Dhivare & Another. .. Respondents

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Shri Chidambar G.Gavnekar for the Applicant.

Shri Suhas Shivaji Deokar for the Respondent No.1.

Mrs. M.H. Mhatre, APP for the Respondent No.2.

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

DATED : 22ND MARCH 2016

PC.

1. Rule. The Advocate for the first Respondent waives service.

The learned APP waives service for the second Respondent. Forthwith taken up for final disposal.

2. By this Application under Section 482 of the Code of Criminal Procedure, 1973, the prayer is made for quashing the criminal proceedings initiated on the basis of the First Information Report No.7 of 2010 registered at Mangaon Police Station, District – Raigad for the offences punishable under Sections 420, 467, 471 and 472 read with Section 34 of the Indian Penal Code. On completion of investigation, the chargesheet was filed by the Police.

3. There is a joint affidavit filed by the Applicant and the first Respondent dated 7th March 2016 which is affirmed before the Assistant Registrar of this Court. The first Respondent is the first Informant. In

the affidavit, it is stated that all the pending disputes between the parties have been amicably settled and therefore, the first Respondent does not deserve to proceed with the criminal proceedings. The learned counsel appearing for the first Respondent reiterates what is stated in the affidavit.

4. We have perused the chargesheet and the documents accompanying the chargesheet. We find that a dispute over an immovable property led to a registration of offence. The dispute started after the demise of one Janardan Arjun Jadhav. After perusal of the documents forming part of the chargesheet, we find that the dispute is purely a family dispute over the property allegedly held by the said Janardan Jadhav. Now there seems to be a settlement of all the pending disputes including the civil dispute as stated in paragraph 2 of the said affidavit.

5. Hence, we are of the view that in the light of the settlement, no purpose would be served by continuing the criminal proceedings. This is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973. There are no chances of conviction. Moreover, the offences alleged are of personal nature.

6. In the pure dispute over the property, the first Respondent has set the criminal law in motion. Investigation was carried out and the chargesheet was filed. Some of the averments made in the complaint filed by the first Respondent are of objectionable nature. As the police machinery of the State was made to act on the basis of the complaint made at the instance of the first Respondent, costs will have to be paid by the first Respondent quantified at Rs.25,000/-.

7. Hence, we dispose of the Application by passing the following order:

ORDER :

- (a) Rule is made absolute in terms of prayer clause (a);
- (b) We direct the first Respondent to pay costs quantified at Rs.25,000/- (Rupees Twenty Five Thousand) to the Police Welfare Fund. Costs shall be paid within a period of one month from today;
- (c) Though the Application is disposed of, the same shall be listed on 29th April 2016 under the caption of "Directions" for reporting compliance.

(P. D. NAIK, J)

(A.S. OKA, J)