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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
WRIT PETITION NO.842 OF 2016

Anant Vighneshwar Hegde & Ors. ...Petitioners
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Pranit Mishra i/b PRK and Co. for the Petitioners
Dr.F.R.SHaikh, APP for the respondent No.1
Mr.Madan Singh Khati for respondent No.2

CORAM : A.S.OKA, &
 A.A.SAYED, JJ.
DATE : SEPTEMBER 30, 2016

P.C.:

1 Rule. The learned APP waives service for the first respondent. The learned counsel for the second respondent waives service. Forthwith taken up for final disposal.

2 The prayer in this Petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered at the instance of the second respondent for offence punishable under sections 406 and 420 read with section 34 of the Indian Penal Code. Even the charge sheet has been filed by the police after completing investigation. The learned counsel for the parties are relying upon the settlement in the form of undertaking dated 17th March 2016, a copy of which is annexed as Exhibit-B to the petition. There is an affidavit of Shri

Sudip P. Das a representative of the respondent No.2 stating that in terms of the undertaking, settlement has been arrived at. It is pointed out that a sum of Rs.30,00,000/- have been received by the second respondent in full and final settlement of the claim of the second respondent. The affidavit records no objection for quashing the criminal proceedings.

3 We have perused the statement on the basis of which FIR was recorded and the charge sheet. The dispute as reflected from the charge sheet is predominantly having a civil flavour. Now there is a commercial settlement of the dispute. In view of the settlement of the dispute, the law laid down by the Apex Court in the case of Gian Singh versus State of Punjab and another¹, will be applicable in the facts of the case. As the second respondent has set the criminal law in motion in a civil dispute and as the police were required to investigate into the offence, the second respondent has paid by way of costs a sum of Rs.50,000/- to Maharashtra State Legal Services Authority. A receipt of payment of Rs.50,000/- is produced for perusal of this Court.

4 Hence, we pass the following order:

(I) The proceedings of case No.831/PW/2014 pending before the Court of learned Metropolitan Magistrate, 19th Court, Esplanade, Mumbai arising out of C.R.No.106 of 2012

1(2012) 10 SCC page 303

registered with Economic Offences Wing
(formerly C.R.No.212 of 2012 registered with
Agripada Police Station) stand quashed and set
aside;

- (II) In the light of this order, we permit the
petitioners to make necessary application to
the concerned Court for relief in terms of
prayer clause (b);
- (III) Rule is made absolute on above terms.

(A.A.SAYED,J.)

(A.S.OKA,J.)