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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 1019 OF 2016

Shravan Ajujnarayan Shukla ... Petitioner

Versus

The State of Maharashtra and Anr. ... Respondents

Mr. Narendra Duney for the petitioner.

Mrs. U.V. Kejriwal, APP for the State.

Mr. Shantanu Raktate for respondent no. 2.

CORAM : NARESH H. PATIL AND

A. M. BADAR, JJ.

DATED : MARCH 23 , 2016.

P.C.

1. By this petition filed under Article 226 of the Constitution of India, the petitioner/accused is praying for quashing and setting aside the FIR bearing No.532 of 2015 registered against him at the instance of respondent no.2 for the offence punishable under section 406 read with 34 of Indian Penal Code with MIDC Police Station, District Mumbai.

2. Briefly stated, it is the prosecution case that informant/respondent no.2 Sangita is owner of Scoda car bearing registration No. MH 02 CR 2733. That the car was taken on rent by the petitioner/accused by promising to pay monthly rent of

Rs.38,000/-. However, neither the rent of the said car was paid to the informant/respondent no. 2 nor the said car was returned. This leads to filing of the report dated 14/09/2015 resulting in registration of the crime in question.

3. We have heard learned counsel for the petitioner/accused and informant/respondent no.2. Petitioner herein has submitted that the matter has been settled outside the Court amicably and respondent no. 2/informant has no grievance against the petitioner. Respondent No. 2 Sangita/Informant is present before the Court. She is identified by her learned counsel. Upon query, she submits that she does not intend to prosecute the criminal proceedings initiated at her instance as the matter is amicably settled outside the Court. Affidavit is also tendered in the Court by respondent no. 2 Sangita stating that the dispute has been settled outside the Court and she does not want to prosecute the FIR lodged by her.

4. The dispute between the parties is predominantly of civil nature and because of its settlement outside the Court, chances of conviction are too remote. Parties in order to maintain harmonious relations, have amicably settled the dispute and

therefore, continuation of the criminal proceedings would ultimately result in wastage of public time and fund. No public law is involved in the crime in question. As such, the order :

Writ petition is allowed.

FIR No. 532 of 2015 for the offence punishable under section 406 read with 34 of Indian Penal Code registered against the petitioner/accused on 14th September, 2015 on the basis of the report lodged by respondent no.2 with police Station MIDC, Mumbai is quashed and set aside.

(A.M. BADAR,J.)

(NARESH H. PATIL, J.)