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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.298 OF 2016**

Mr. Sunnysingh Amarjitsingh Ahluwalia	... Applicant
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Himanshu S. Shinde for the Applicant.
Ms. Sujata Rajguru for the Respondent No.2.
Mrs. M.H. Mhatre, APP for Respondent – State.

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

DATE : 1st APRIL, 2016

PC.

1 Rule. The learned APP waives service for the first Respondent. The learned counsel appearing for the second Respondent waives service. Forthwith taken up for final disposal. The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr.PC.”) is for quashing the charge sheet filed for commission of offence under Section 381 of the Indian Penal Code. The allegation made by the second Respondent who is the first informant in the FIR is that certain ornaments were kept by her in a drawer of a cupboard in her house and that one of the three servants employed by her has committed theft of the said ornaments.

2 There is a reply filed by the second Respondent. We have perused the affidavit. It is contended that the allegation was made by the second Respondent out of misunderstanding. It is stated that she has no subsisting grievance against the Applicant and because of a personal dispute that she had made the allegations. It is stated that the dispute has been settled.

3 In the FIR, the allegation made by the second Respondent was that one of the three servants working in her house may have stolen the ornaments. Now, in the affidavit she claims that due to personal dispute that she has made the allegations against the Applicant. After having perused the charge sheet and the affidavit filed by the second Respondent, we are satisfied that in the facts of the case, the crime alleged of is not heinous and serious crime having impact on the society. From the affidavit filed by the second Respondent it appears that allegation was made by her due to her dispute with the Applicant. Now there is a complete settlement of the said dispute as narrated in the affidavit. Apart from the statements in the affidavit, we find that that possibility of conviction is very much remote. Therefore, in the light of the law laid down in the case of Gian Singh Vs. State Bank of Punjab¹, case is made out for exercising the jurisdiction of this Court under Section 482 of the Cr.P.C. Accordingly, the application must succeed and we pass the following order :-

1 (2012) 10 SCC 303

ORDER

- (i) Rule is made absolute in terms of prayer clause (a);
- (ii) All concerned to act upon an authenticated copy of this order.

(P. D. NAIK, J)

(A.S. OKA, J)