

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.299 OF 2016

Parul Chimanlal Mehta and another	Applicants
versus	
Vijay Virendra Singh and another	Respondents

Mr.Ranjit S. Singh for Applicants.
Mr.Shine M. for Respondent no.1.
Dr.F.R.Shaikh, APP, for Respondent no.2.

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

DATE : 05th April 2016

PC :

1. Rule. Learned APP waives service for the Second Respondent. Learned advocate for the First Respondent waives service. Forthwith taken up for final disposal.

2. The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 ('Code') is for quashing the offence registered under Sections 420, 463, 467, 468, 471 read with Section 34 of Indian Penal Code. The allegation in the first information report ('FIR') which was lodged at the instance of First Respondent, is that the Applicants induced the First Respondent to invest a large amount in their reality project by giving assurance to give good returns. It is alleged that the

present Applicants claimed that they were running a company by name M/s.Apple Mint Realty and Infra Pvt.Ltd. The case made out by the First Respondent is that by way of guarantee, a cheque dated 29th November 2015 was issued by the Applicants to the first informant and the said cheque was dishonoured.

3. The Applicants are relying upon a deed of settlement which is annexed as Exhibit-C to the application. The deed of settlement is signed by the First Respondent as well as Applicants. The said deed of settlement was arrived at during pendency of anticipatory bail application filed by the Applicants.

4. There is a reply filed by the first informant. In the reply he has stated that as per the settlement arrived at during pendency of the anticipatory bail, he has received a sum of Rs.40.00 lakhs from the present Applicants by demand draft drawn on HDFC bank. In view of the receipt of amount, the first Respondent has stated that he has no objection for quashing the criminal proceedings.

5. We have perused the allegations made in the statement of the first Respondent on the basis of which the FIR was registered. We find that the FIR has predominantly a civil flavour and it arises out of a commercial transaction. The alleged offence has no serious impact on society. Now that there is a complete settlement between the parties in their

commercial dispute, in view of the law laid down by the Apex Court in **Gian Singh Vs. State of Punjab and another**¹, this is a fit case to exercise the power under Section 482 of the Code for quashing the criminal proceedings.

6. In a dispute which has predominantly a civil flavour, the first Respondent has set in motion the criminal law. Hence, the and police machinery was required to work. The advocate for Respondent no.1 in all fairness stated that the first Respondent will pay a sum of Rs.25,000/- by way of donation to the police welfare fund. We accept the statement.

7. Accordingly, we pass following order :

(a) Rule is made absolute in terms of prayer clause (b);

(b) We accept the statement of the learned counsel appearing for first Respondent that a sum of Rs.25,000/- will be paid by way of donation to the police welfare fund. The amount shall be paid within a period of three weeks from today. Receipt of payment shall be produced by the first Respondent within four weeks from today;

(c) If compliance of direction (b) above is not made within four weeks by producing a receipt, the matter shall be listed under caption “directions” on 6th May 2016;

¹ (2012)10-SCC-303

(d) All concerned to act on an ordinary copy of this order duly authenticated by the registry of this Court.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST