

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 665 OF 2016

Surender Krishan Grover

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Chaitanya Pendse, for the Applicant.

Dr. F.R. Shaikh, APP for Respondent No. 1.

Mr. S.R. Phanse, for Respondent No. 2.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 28th June 2016

P.C. :

1. Rule. Learned APP waives service on behalf of Respondent No. 1 and the learned Counsel for the 2nd Respondent waives service. Forthwith taken up for final disposal.

2. Prayer in this Application under Section 482 of the Criminal Procedure Code, 1973 (in short “Cr.P.C.”) is for quashing the First Information Report registered for the offences under Sections 143, 147, 149, 341, 448 and 506 of the Indian Penal Code,

1860. The 2nd Respondent is the 1st Informant. The 2nd Respondent has tendered an Affidavit in which reliance is placed on the Deed of Settlement dated 3rd June 2016, a copy of which is annexed as Exh.E to the Application. We have perused the statement of 2nd Respondent on the basis of which the First Information Report was registered. The dispute is regarding possession of the premises subject matter of the leave and licence agreement of 8th May 2014. Perusal of the Deed of Settlement shows that entire dispute between the parties in respect of the said premises has been amicably settled and in view of the settlement, the 2nd Respondent has agreed to give consent for quashing the First Information Report.

3. Perusal of the statement on the basis of which the First Information Report was registered shows that the dispute over the possession of the immovable property led to the registration of First Information Report. The dispute has overwhelmingly and predominantly civil flavour and the same cannot be said to have any impact on the society at large.

4. In view of the complete settlement of the property dispute, in the light of the law laid down in the case of **Gian Singh Vs. State Of Punjab & Anr.**¹, a case is made out for quashing the

¹ (2012)10 SCC 303

offence.

5. The 2nd Respondent had set the criminal law in a motion in a case of predominantly civil flavour. Learned Counsel appearing for the 2nd Respondent states that the 2nd Respondent will pay a sum of Rs. 10,000/- by way of donation to the Police Welfare Fund within a period of one month from today.

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

(i) Rule is made absolute in terms of prayer clause (a), which reads thus :-

“a) this Hon'ble Court be pleased to quash the F.I.R. bearing C.R. No. 173 of 2016 lodged by Amboli police station offence punishable under sections 143, 147, 149, 341, 448, 506 of Indian Penal Code, 1860 on such terms and conditions as this Hon'ble Court may deem, fit and proper.”

7. We accept the statement of the learned Counsel appearing for the 2nd Respondent that the 2nd Respondent will pay a sum of Rs. 10,000/- (Rupees Ten Thousand only) as a donation to

the Police Welfare Fund within a period of one month from today.

8. The 2nd Respondent shall place receipt issued by the Police Welfare Fund on record within one month from today.

9. For reporting compliance with the direction, place the Application on 4th August 2016 under the caption of 'Direction'.

[A.A. SAYED, J.]

[A.S. OKA, J.]