

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.698 OF 2016

Ashutosh Manojkumar Shrivastav

..Applicant

V/s.

The State of Maharashtra & Anr.

.. Respondents

Ms.Nasima D. Battiwala for the Applicant.

Ms.M.H. Mhatre, APP for Respondent No.1-State.

Mr.Milind Dhande for Respondent No.2.

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

DATED : 25th JULY 2016.

P.C.

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

2. Prayer in this application under Section 482 of the Code of Criminal Procedure Code (for short 'Cr.P.C.') is for quashing first information report lodged at the instance of second respondent for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860.

3. The second respondent addressed a letter dated 14th

June 2016 to the Senior Inspector of Police, Versova Police Station with whom the first information report was registered stating that the applicant has paid him a sum of Rs.49,10,000/- in full and final settlement of the claim of the second respondent. Infact an affidavit has been filed to that effect by the second respondent which records a consent for quashing the proceedings.

4. Reliance is also placed on consent terms signed by the applicant and the second respondent which are annexed as Exh. 'B' to the petition.

5. Perusal of the impugned first information report shows that the first information report is based on dispute arising from a commercial transaction between the applicant and the second respondent. As a result of payment of lum-sum amount by the applicant to the second respondent, there is now a complete settlement of the dispute. Hence, In view of the law laid down by the Apex Court in the case of Gian Singh V/s. State of Punjab¹, this is a fit case for the exercise of power of quashing under Section 482 of the Cr.P.C.

¹(2012)10-SCC-303)

6. In a transaction arising out of a commercial dispute, the first information report was lodged by the second respondent. The police were required to investigate. The second respondent has paid a donation of Rs.50,000/- to the police welfare fund. Necessary acknowledgment has been issued today by office of the Director General of Police. Accordingly, the application must succeed. We pass the following order.

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 FIR bearing C.R.No.106 of 2016 lodged by Versova Police Station offence punishable under Sections 420, 465, 467, 468, 471 of Indian Penal Code, 1860 on such terms and conditions as this Hon'ble Court may deem, fit and proper.

(A.A. SAYED, J)

(A.S.OKA, J.)