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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.2667 OF 2015**

HDFC Bank Ltd. & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

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Mr. K. S. Patil i/b. Vivek Patil & Associates for the Petitioners.

Mr. F. R. Shaikh, APP, for the Respondent-State.

Mr. Nagesh Chavan for Respondent no.2.

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**CORAM: RANJIT MORE &
A. K. MENON, JJ.****DATE : 19TH JANUARY, 2016**

PC.:

Heard learned counsel and learned APP appearing for the respective parties.

2. The writ petition is filed invoking the provisions of Article 226 of the Constitution of India for quashing and setting-aside the FIR bearing C.R. No.11 of 2015 registered with MIDC Andheri Police Station, Mumbai, at the instance of respondent No.2, for an offences punishable under Sections 406, 415, 418, 420 and 506 of the Indian

Penal Code, 1806. The said FIR was registered against the petitioners and two other persons.

3. Pending investigation, the parties settled their dispute amicably and accordingly enter into a settlement with consent terms. The copy of the consent terms dated 19th January, 2016 is placed on record. In terms of the said settlement all the petitioners agree to pay to the respondent no.2 an amount of Rs.6,75,000/- by way of full and final settlement as his claim along with notice. Respondent no.2 acknowledged that he received the said amount as full and final dues. In clause (5) of the consent terms the respondent no.2 has given no objection to quash and set aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has no objection if the subject FIR is quashed and set-aside qua the petitioner.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of Narinder Singh and ors. versus State of Punjab and anr. 2014. AIR (SCW) 2065, we find that no purpose would be served by

keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the subject FIR is required to be quashed and set-aside. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, the FIR bearing CR No.11 of 2015 is quashed and set-aside qua the petitioner subject to payment of costs of Rs.20,000/- by the petitioner. The petitioner shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(A. K. MENON, J.)

(RANJIT MORE, J.)