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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.816 OF 2016

Vinit Kumar Tulsyan	... Applicant
Vs.	
State of Maharashtra and Ors.	... Respondents

Mr. P. Ranjan I/by Halai & Co. for the Applicant.
Mrs. M.M. Deshmukh, APP for the Respondent Nos.1 and 2.
Mr. M.H. Kane I/by W.S. Kane & Co. for the Respondent No.3.

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

DATE : 29th JULY, 2016

PC.

1. Rule. The learned APP waives service for the first and second Respondents. The learned counsel appearing for the third 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 FIR registered for the offences punishable under Sections 408 and 420 of the Indian Penal Code. One Shri Sandeep Maniyar on behalf of the third Respondent lodged the FIR. In the application, reliance is placed on the settlement agreement executed between the Applicant and the third Respondent as well as consent terms filed in the Arbitration Petition.

There is an affidavit-in-reply filed by Shri Sandeep Maniyar, the authorised representative of the third Respondent who himself is the first informant. He has relied upon the settlement agreement executed on 19th July, 2016 between the Applicant and the third Respondent. In view of the settlement, he has recorded no objection of the third Respondent for quashing the proceedings.

2 We have perused the FIR. The offence is private in nature which does not have any serious impact on the society. Moreover, the case has overwhelmingly and predominantly a civil flavour. In view of the complete settlement of the main dispute, in the light of the decision of the Apex Court in the case of Gian Singh Vs. State Bank of Punjab and Another¹, this is a fit case to exercise power under Section 482 of the Code of Criminal Procedure, 1973.

3 Criminal law was set in motion by the third Respondent on the basis of a dispute of civil nature. Therefore, as per the suggestion made by the Court, the learned counsel appearing for the third Respondent on instructions states that the third Respondent will pay a sum of Rs.50,000/- by way of donation of the Maharashtra State Legal Services Authority. We accept the said statement.

1 (2012) 10 SCC 303

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Hence, we pass the following order :-

ORDER

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

which reads thus :-

“(a) That this Hon'ble Court may be pleased pass an order quashing FIR filed at Vanrai Police Station, Goregaon, being FIR dated 12/4/2015 bearing No.121/15 and the investigation and report in respect thereof if any filed by the Police and all further proceedings.”

(ii) We accept the statement made by the learned counsel appearing for the third Respondent that the said Respondent will pay a sum of Rs.50,000/- to the Maharashtra State Legal Services Authority by way of donation;

(iii) Receipt of the payment of the amount issued by the Maharashtra State Legal Services Authority be placed on file within a period of one month from today. Though the application is disposed of, for reporting compliance the application shall be placed under the caption of “Directions” on 8th September, 2016.

(A.A. SAYED, J)

(A.S. OKA, J)