

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

CRIMINAL APPLICATION NO. 854 OF 2016

Mr. Puneet Lalit Kumar

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

...

Mr. Diwakar Singh for the Applicant.

Mr. Prakash Pawar for Respondent No. 2.

Ms. M. H. Mhatre, APP for State.

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

DATE : 30 AUGUST, 2016.

P.C. :

1. Rule. The learned APP waives service for the 1st Respondent. The learned counsel appearing for the 2nd Respondent waives service. Forthwith taken up for final disposal.

2. The prayer in this Criminal Application under Section 482 of the Code of Criminal Procedure, 1973 (for short Cr.P.C) is for quashing First Information report registered at the instant of the 2nd Respondent with Chaturshringi Police Station, Pune, for the offences under Section 420 and 406 of the Indian Penal Code. The 2nd Respondent registered the first information report on behalf of his

company Volark Auto Pvt. Ltd. The transaction subject matter of the first information report is in relation to sale of 12 Skoda cars.

3. The 2nd Respondent filed an affidavit dated 23rd August 2016 recording therein that there was an amicable settlement between his company and the company represented by the Applicant. In the said affidavit, he has stated that in terms of the settlement, his company has received compensation amount of Rs.27 Lakhs. A resolution passed by the Board of Directors of Volark Auto Pvt. Limited authorizing the settlement is annexed to the said affidavit. The affidavit records no objection by the 2nd Respondent for quashing the First Information Report.

4. Perusal of the First Information Report shows that the dispute recorded therein has a predominantly civil flavour. The commercial dispute between the parties led to the registration of the offences which are compoundable.

5. On the basis of purely a civil dispute, the 2nd Respondent lodged a FIR. The police machinery was required to investigate. Therefore, on the last date, the 2nd Respondent agreed to pay a

donation of Rs.1,00,000/- to any charitable organization. Accordingly, an affidavit of the 2nd Respondent affirmed today is tender across the bar to which a photo copy of receipt issue by Tata Memorial Center (Tata Memorial Hospital) is produced which shows that donation of Rs.1,00,000/- has been paid by the company Volark Auto Pvt. Limited.

6. Hence this is a fit case to exercise power under Section 482 of the Code of Criminal Procedure, 1973. Hence, we pass following order.

Rule is made absolute in terms of prayer clause B which reads thus ;

b) Quashing and setting aside the FIR bearing Crime No.266 of 2016 registered with Chaturshringi Police Station, Pune, under Section 406 and 420 of IPC dated 23/06/2016.

(A. A. SAYED, J.)

(A. S. OKA, J.)