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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL APPLICATION NO.929 OF 2016

Mehboob Nazir Khokar & Anr. ...Applicants
vs.
State of Maharashtra & Anr. ...Respondents

Ms Mallika A. Ingale for the applicants
Mr.Ajeet Manwani i/b A and A Legal for the
respondent No.2
Dr.F.R.Shaikh, APP for respondent No.1

CORAM : A.S.OKA, &
A.A.SAYED, JJ.
DATE : SEPTEMBER 30, 2016

P.C.:

1 Rule. The learned APP waives service for the first respondent. The learned counsel for the second respondent waives service.

2 The prayer in this application under section 482 of the Code of Criminal Procedure, 1973 is for quashing the FIR registered with Santacruz Police Station at the instance of the second respondent. The second respondent lodged the FIR on behalf of Cachet Events & Designs Solutions Private Limited. The prayer for quashing is made on the basis of the consent terms filed between the applicants and the second respondent dated 7th September 2016 which have been placed on record and marked 'X-1' for identification. The consent terms record that total sum of Rs.18,51,000/- has been paid to the said

company which is represented by the second respondent in full and final settlement. There is an affidavit filed by the second respondent recording receipt of the amount of Rs.18,51,000/- and recording her no objection for quashing the FIR. A copy of the resolution dated 9th September 2016 passed by Board of Directors of the Cachet Events & Designs Solutions Private Limited is placed on record and marked 'X-2' for identification. The resolution authorizes the second respondent to settle the dispute subject matter of this petition on accepting a sum of Rs.18,51,000/-.

3 Perusal of the FIR shows that the same has been registered in respect of a transaction which is having predominantly a civil flavour. In view of the settlement of the dispute in the light of the law laid down by the Apex Court in the case of Gian Singh versus State of Punjab and another¹ (2012) 10 SCC page 303 this is a fit case to exercise power under section 482 of the Code of Criminal Procedure, 1973. As criminal law was set in motion in connection with purely a civil dispute, the second respondent has agreed to pay donation of Rs.25,000/- to Kirtikar Law Library and in fact a pay order is kept ready which is shown to the Court. Hence, the application must succeed.

4 We pass the following order:

(I) Rule is made absolute in terms of prayer

1(2012) 10 SCC page 303

clause (a) which reads thus:

"(a) This Hon'ble Court be pleased to quash the FIR No.339/2016 registered with the Santacruz Police Station for alleged offence u/s 420 IPC against the Applicants."

(II) Parties to act upon an authenticated copy of this order.

(A.A.SAYED,J.)

(A.S.OKA,J.)