

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.991 OF 2016

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Shri Aditya Jalan and another	...Applicants
v/s.	
The State of Maharashtra and another	...Respondents
...	

Mr.Amit P.Ghag for the Applicants.
Mr.K.V.Saste, APP for the Respondent No.1.
Mr.Roshan S.Tanna for the Respondent No.2.
...

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 4 OCTOBER 2016

P.C.:

Heard the learned Counsel for the Applicants. Rule. Learned Counsel appearing for the second Respondent waives service. Learned APP waives for the first Respondent. Forthwith taken up for final disposal.

2. The prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing the criminal proceedings for the offences punishable under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, section 7(d) of the Protection of Civil Rights Act, 1955 and section 420 of the Indian Penal Code.

3. The prayer for quashing is sought essentially on the ground of settlement. The second Respondent is the First Informant. The Applicants have filed an Affidavit dated 10 September 2016 for placing on record a Memorandum of Understanding, executed by and between them and the second Respondent. It is pointed out in the said Affidavit that in terms of the Memorandum of Understanding a sum of Rs.40 lakhs has been paid by the Applicants to the second Respondent by way of Pay Order dated 11 August 2016. The second Respondent has also filed an Affidavit accepting that there is a settlement and accepting that a sum of Rs.40 lakhs has been paid to him by the Applicants. The second Respondent has recorded his no objection for quashing the proceedings.

4. We have perused the statement of the second Respondent on the basis of which the First Information Report was registered. The dispute between the parties arises out of a business transaction. There is a monetary settlement of the said dispute. The dispute has essentially a civil flavour. Therefore, following the law laid down by the Apex Court in the case of **Gian Singh v/s. State of Punjab and anr.**¹, this is a fit case to exercise the power under section 482 of the Code of Criminal Procedure, 1973.

5. As the First Information Report was registered on the basis of a

¹ (2012) 10 SCC 303

business transaction and as the police were required to investigate, the Applicants and the second Respondent offered to pay a reasonable amount by way of donation to some charitable institution. Accordingly, the Applicants have paid a sum of Rs.25,000/- to Bombay Hospital Trust. A photocopy of the receipt issued by the Trust is placed on record. The second Respondent has paid a donation of Rs.25,000/- to the Missionaries of Charity, Kolkata. A photocopy of the receipt is placed on record.

5. Accordingly, we dispose of the Application by passing the following order:

Rule is made absolute in terms of prayer clause (a), which reads thus:

(a) This Hon'ble Court by invoking its inherent jurisdiction under section 482 of the Code of Criminal Procedure, 1973 may be pleased to quash and set aside the impugned FIR bearing LAC No.17 of 2016 registered with MRA Marg Police Station, Mumbai for offences under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, section 7(d) of the Protection of Civil Rights Act, 1955 and section 420 of the Indian Penal Code.

(A.A. SAYED, J.)

(A.S.OKA, J.)