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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 3517 OF 2014**

Mr. Rajeshkumar Patwari alias Rajubhai ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. R.V. Sipahimalani for the petitioner.

Mr. S.S. Vasvani for respondent no. 2.

Mrs. M.M. Deshmukh, APP for the State.

**CORAM: NARESH H. PATIL &
A.M. BADAR, JJ.
DATED : MARCH 22, 2016.**

P.C.

1. Learned counsel for the petitioner submits that the parties have amicably settled the dispute. The MOU was recorded on 11th November, 2013. Affidavit has been filed by the complainant Hareshkumar Kashuram Dusseja. Affidavit is taken on record and marked "X" for identification. He is identified by his counsel. The complainant is present in the Court. Affidavit of para 2 states as under :

"2. I say that I have already settled my disputes and part payments have been received in accordance with the Memorandum of Understanding dtd. 11th November, 2013. I

say that there are no further disputes pending between me and petitioner and I am filing this affidavit willingly for quashing of the FIR No. I-198 of 2013 registered by respondent no.1 Police Station as already agreed by me and petitioner in the MOU.”

2. Learned counsel has no objection in quashing the FIR. FIR was registered on 14th October, 2013 for the offence punishable under sections 420, 406, 504, 506 read with 34 of Indian Penal Code. On 1st October, 2014 an ad interim relief was granted.

3. We have perused the complaint and the order.

4. We find that the complaint arises out of commercial transactions between the parties. The transaction is of civil nature. 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 interest of justice, the subject FIR is required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police machinery for settling their personal disputes. However, at this stage, learned counsel for the petitioner states that petitioner is ready

to pay cost of Rs.10,000/- to Police Welfare Fund. In the result, FIR is quashed and set aside subject to payment of cost of Rs.10,000/- to Mumbai Police Welfare Fund within two weeks from today. Receipt be submitted to the Registry.

5. Writ petition stands disposed of with the above condition of payment of cost.

(A.M. BADAR, J.)

(NARESH H. PATIL,J.)