

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

CRIMINAL APPLICATION NO. 1083 OF 2016

Shri Santosh Babu Sethe ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Raju Gupta, Advocate for the Applicant.

Mr. Durgesh Jaiswal a/w. Gulestan Dubash, Advocate for Respondent No. 2.

Mr. M. H. Mhatre, APP for the Respondent No.1-State.

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI, JJ.**

DATE : 07th DECEMBER, 2016

P.C. :

1 Heard the learned counsel appearing on behalf of the Applicant, the learned counsel appearing on behalf of the Respondent No.2 and the learned APP for the State.

2 This application is for quashing the criminal complaint, by consent of the Respondent No.2-complainant. The complaint was filed by Respondent No.2 against the

applicant, registered with the Kalachowki Police Station for the offences punishable under sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code. The chargesheet has been filed.

3 The parties have now amicably settled the dispute and the complainant has received the balance amount of Rs.8 lakhs. It is submitted that since the dispute was personal dispute between the parties, the complaint may be quashed by consent.

4 Both the parties are present before the court. The complainant has expressed his willingness to quash the complaint. He has filed affidavit in reply and stated that he has no objection if the complaint is quashed. The ratio of the judgment of the Apex Court in the case of **Gian Singh vs. State of Punjab & Anr.**, reported in (2012) 10 Supreme Court Cases 303, will apply to the facts of the present case. The complaint, therefore, will have to be quashed subject to the Applicant and the Respondent No.2-Complainant donating Rs.10,000/- each to the Police Welfare Fund towards the costs.

5 Upon the said amount of costs being donated / deposited within two weeks, this criminal application would stand allowed in terms of prayer clause (b). If the said amount

is not paid then this order would stand recalled without further reference to this court.

6 The application is allowed and disposed of in the aforesaid terms.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

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