

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1091 OF 2016

Narendra Rajmohan Gavali @ Ahir	...Applicant
v/s.	
The State of Maharashtra and Anr.	...Respondents

Mr.Durgesh Jaiswal for the Applicant.
 Mr.K.V.Saste, APP for the Respondent No.1.
 Mr.Harshal Damania for the Respondent No.2.

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

DATED : 4 OCTOBER 2016

P.C.:

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 sections 419, 420, 465, 467, 468 and 471 read with section 34 of the Indian Penal Code.

3. The prayer for quashing is sought on the basis of amicable settlement between the parties. The second Respondent has filed an Affidavit recording the settlement between the parties. It is stated that even

in the complaint filed alleging commission of offence under section 138 of the Negotiable Instruments Act, 1882, settlement was arrived at and the said complaint has been withdrawn.

4. We have perused the charge sheet and the statement of the second Respondent. The entire dispute between the parties appears to be a property dispute. Now, there is a settlement of the property dispute. The case has predominantly a civil flavour. Therefore, in view of the amicable settlement, law laid down by the Apex Court in the case of **Gian Singh v/s. State of Punjab and anr.**¹ will have to be applied. The parties have paid a sum of Rs.15,000/- by way of donation to Maharashtra State Legal Services Authority. A receipt is produced for perusal of the Court.

5. Considering the above discussion, we pass the following order:

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

(B) This Hon'ble Court may kindly quash Criminal Case being C.C.No.1468/PW/2016 for offences u/s. 419, 420, 465, 467, 468, 471, 34 pending before the Ld.Metropolitan Magistrate Court at Girgaon, Mumbai filed against the present Applicants.

(A.A. SAYED, J.)

(A.S.OKA, J.)

¹ (2012) 10 SCC 303