

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4023 OF 2016

Shankar Sayabanna Kunchikorve

.. Petitioner

-Versus-

The State of Maharashtra & Anr.

..Respondents

Mr. Anand Mishra i/b. Ashok Sanaogi for petitioner

Mr. K.V.Saste, APP for respondent No.1 State

Mr. Sunil B. Ghorpade for respondent No.2.

CORAM : V.M.KANADE &
MS.NUTAN D. SARDESSAI, JJ.

DATE : 6th December 2016.

P.C.

1] This petition is filed by the petitioner for quashing criminal complaint filed by the respondent No.2 for offences punishable under sections 406, 420, 504, 506(2) of IPC with Pant Nagar Police Station, Ghatkopar (West), Mumbai.

2] Both the parties have amicably settled the dispute. The dispute had arisen over non payment of money by the petitioner. The petitioner is present in Court and has handed over a demand draft dated 2nd December 2016 for Rs.31 lakhs drawn in the name of one Rajesh Morarji Mistry. The respondent has filed an affidavit stating therein that he has

no objection if the complaint is quashed, since the dispute essentially was of civil nature and it has now been settled.

3] In view of the fact that the complainant has received the demand draft of Rs.31 lakhs and since the complainant has also stated that he has no objection if the complaint is quashed, the ratio in the case of Gyansingh Vs. State of Punjab (2012) 10 S.C.C. 303 and in the case of Narinder Singh and Ors. Vs. State of Punjab (2014) 6 S.C.C. 466 will therefore, apply to the present case. The petition is therefore, allowed in terms of prayer clause (a).

(MS. NUTAN D. SARDESSAI, J)

(V.M.KANADE, J)