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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION No. 4024 OF 2016

Sandesh Subhash Pawar & Ors. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Nilesh R. Pandey, Sameer Vispute, Ms. Priyanka Shukla i/b Equal
Juris, for the Petitioners.

Mr. K. V. Saste, APP for the Respondent – State.

Mr. Bipin Tiwari, for Respondent Nos. 2 to 4.

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

DATE : NOVEMBER 28, 2016

PC.

1. This petition is filed for quashing of criminal complaint filed by Respondent No. 2 for the offences punishable under Section 420, 406, 504, 506, 345 of the I.P. Code registered vide C.R. No. I-342/2015, with Mahatma Phule Police Station, Kalyan. The learned counsel appearing the Petitioners submits that the dispute essentially was of a civil nature, and now the parties have settled the dispute. Respondent No. 2 (complainant) has filed his affidavit stating therein that he has no objection if the complaint is quashed. Respondent No. 2 is present in the Court. He has stated that the Petitioner has

agreed to pay a sum of Rs. 12 lakhs, and Petitioner No. 1 has already paid Rs. 2 lakhs in cash and further sum of Rs. 10 lakhs is paid by demand draft and he has received the entire amount. He has submitted that since the entire amount has been received by him, he does not wish to pursue the complaint. The other two witnesses, viz. Hemendra S. Dabade (Respondent No. 4) and Vijay Mahajan (Respondent No.3) have also filed their affidavit. They have also reiterated, whatever is stated by the complainant. They are also present in the Court. We have asked them whether they have any objection if the complainant is quashed, and they have answered in the negative.

2. Taking into consideration the ratio of judgments of the Apex Court in the cases of - (i) ***Gian Singh, Appellant Vs. State of Punjab & Anr., Respondents [(2012) 10 SCC 303]***; and (ii) ***Narinder Singh & Ors., Appellants Vs. State of Punjab & Anr., Respondents [(2014) 6 SCC 466]***, we have no hesitation in coming to the conclusion that ratio of these judgments will squarely apply to the facts of the present case. Criminal writ petition is, therefore, allowed in terms of prayer clause (a) and is accordingly disposed of.

Sd/-

[Ms. NUTAN D. SARDESSAI, J.]

Sd/-

[V. M. KANADE, J.]