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

CRIMINAL APPLICATION No. 1314 OF 2014

Shivaji Sopan Jawale

...Applicant

Vs.

The State of Maharashtra & Anr.

...Respondents

Mr. B.A. Lawate for Applicant

Dr. F.R. Shaikh -APP for Respondent No.1 State

Mr. Vijay N. Kanthe for Respondent No.2

CORAM : V. M. KANADE &

Ms. NUTAN D. SARDESSAI, JJ.

DATE : NOVEMBER 22, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Applicant, the learned APP for the State and the learned counsel appearing on behalf of the Complainant.

2. The application is filed for quashing the criminal complaint filed by the Original Complainant for the offences punishable under sections 465, 467, 468, 471 and 420 r/w. 34 of the Indian Penal Code. The Complainant is present in the Court. He has stated that the accused has paid the entire amount of loan to the Bank. The Applicant has annexed the No Dues Certificate to the application. The Applicant in paragraph 4 of the reply has stated that the Applicant is suffering from hypertension and paralysis on left side and his physical movements are restricted and he is unable to talk properly or to travel from one place to another. He has stated that in view of this fact, the complainant is decided to give his no objection for quashing of the complaint.

3. We have interviewed the Complainant and he has produced his identity card and he has reiterated the facts mentioned in the affidavit. In view of the judgment of the Apex Court in the case of **Gian Singh vs. State of Punjab (2012) 10 SCC 303**, we have no hesitation in quashing the complaint. Though the dispute is of a personal nature, the alleged offence of forging the complainant's signature is of a serious nature, however, taking into consideration the peculiar facts and, more

particularly, what is mentioned in paragraph 4 of the affidavit filed on behalf of the Complainant, we are inclined to quash the said criminal complaint. Criminal Application is allowed in terms of prayer clause 13(a) and disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.