

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.24 OF 2016

Neeraj Kumar Bharadwaj and another	Petitioners
versus	
State of Maharashtra	Respondent

Mr.Arpit Batra for Petitioners.
Mr.K.V.Saste, APP, for State.
Mr.Rajesh Devgharkar for Respondent no.2.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 5th April 2017

PC :

1. An affidavit has been filed by the original complainant Mubbashir Abdul Hamid. He has stated in paragraph 1 of the affidavit that he and the Petitioner nos.1 and 2 have settled the dispute. He states that he had lodged a first information report/complaint at Mhasala Police Station, District Raigad on account of private dispute with the Petitioners. That was on account of a claim against loan. Since the Petitioners had agreed to render certain services so as to enable the complainant to obtain loan and also provide insurance cover, that it is stated that the amounts being returned initially by cheque and the balance today by pay order, he is not interested in going ahead with the criminal prosecution.

2. On the earlier occasion this matter was placed before this Court and the Court recorded that there is an affidavit of the above

nature placed on record. From the record it appears that some amount was yet to be paid to the Second Respondent.

3. Today remaining amount of Rs.5.80 lakh has been brought by a pay order. Thus, settlement of dispute is reached in the sum of Rs.11 lakh. The payment of part amounts are also evidenced by virtue of documents from pages 37 onwards of the paper book.

4. Once there was a settlement agreement reached on 24th December 2015, which has now been acted upon, and which settlement was voluntary, without force of any kind and duress, then, we have no hesitation in allowing this criminal writ petition. Since the dispute was essentially between two parties having no repercussions on the general interest of public, we quash and set aside the criminal proceedings. There are no larger repercussions of such an order on the interest of the society. Therefore, this petition is made absolute in terms of prayer clauses (a) and (b). No order as to costs.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST