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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.45 OF 2017**

Shri. Nathuram Vinayak Dhumal and Ors.	... Petitioners
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Santaram Anant Tarale for the Petitioners.
Mr. K.V. Saste, APP for the Respondent No.1.
Ms. Neeta Bhavar for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 21st MARCH, 2017

PC.

1 Rule. The learned APP waives service for the first respondent. The learned counsel appearing for the second respondent waives service. Forthwith taken up for final hearing.

2 The prayer in this Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") is for quashing the First Information Report registered at the instance of the second respondent for the offences punishable under Sections 467, 448, 417, 420, 504, 506, 499 read with Section 34 of the Indian Penal Code. The FIR was registered on the basis of order dated 19th July, 2016 made by the learned Judicial

Magistrate, First Class, Court – 4, Pune under Sub-Section (3) of Section 156 of the Code of Criminal Procedure, 1973.

3 We have perused the complaint. There is an affidavit filed by the first informant. The affidavit records settlement between the present petitioner and the second respondent. Perusal of the complaint on the basis of which the FIR is registered shows that the real dispute between the parties was as regards the possession of a premises. The complaint itself records that there were several proceedings pending in the Court of Small Causes at Pune. The complaint is based on apprehension that the accused are likely to harass the complainant by filing false cases.

4 In the affidavit of the first informant it is stated that now he has been put in possession of the tenanted premises subject matter of dispute.

5 Perusal of the complaint on the basis of which the FIR was registered shows that the dispute raised therein has predominantly a civil flavour. The dispute concerning premises has been settled by placing the first informant in possession. Considering the allegations in the complaint it cannot be said that the offences are against the society

at large or are of serious nature. Therefore, in the light of the law laid down by the Apex Court in the Gian Singh Vs. State of Punjab¹, this is a fit case to exercise powers under Section 482 of the Criminal Procedure Code, 1973. Accordingly, we pass the following order :-

ORDER

- (i) Rule is made absolute in terms of prayer clause (a) which reads thus :-

“(a) That this Hon'ble Court be pleased to issue a Writ of Certiorari/Mandamus and/or any other Writ Order or Direction and be pleased to quash the FIR NO.282 of 2016 registered with the Respondent No.1.”

- (ii) All concerned to act upon an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)

1 (2012) 10 SCC 303