

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 60 OF 2017

Virendra Vinod Vaidya and Another. ..Petitioners.
Versus
Harihara S. Subramani and Another. ..Respondents.

Ms. Archana Naik for the Petitioner.
Ms. Vrishali Kabre for Respondent No. 1.
Mr. K. V. Saste, APP for the State.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **June 21, 2017.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner, learned Counsel appearing for Respondent No. 2 and learned APP for the State.

2. The petition is filed for quashing the proceedings of Criminal Case No. 1529/PW/2012 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali. The said case has arisen from the FIR bearing CR No. 368 of 2011 registered with Vanrai Police Station, Goregaon, Mumbai. The said FIR is registered at the instance of Managing Director of Techroutes Networks Pvt. Ltd, namely, Harihara S. Subramani for the offence punishable under sections 408, 420, 468, 471 read with 34 of IPC and sections 65, 66 and 72 of the IT Act.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of criminal proceedings, with the

help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant thereto, present petition is filed for quashing the above criminal proceedings, by consent.

4. One Mr. Vasant S. Jadyal, Admin Manager of M/s. Techroutes Network Pvt Ltd has filed an affidavit dated 16th March 2017. In the said affidavit, he has stated that the dispute between the Petitioners and said Company are amicably resolved and the said company has decided not to prosecute further against the Petitioners. In paragraph 2, he has stated that he has been duly authorised by the Board resolution dated 9th December 2016 of M/s. Techroutes Network Pvt. Ltd on behalf of Respondent No. 1. Copy of the said resolution and letter authorising Mr. Jadyal is annexed at Exhibit-1 and 2 respectively.

5. Mr. Vasant Jadyal is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that Respondent No.1 has no objection for quashing the criminal proceedings in question initiated by him against the Petitioners.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these

circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceeding. Accordingly, petition is made absolute in terms of prayer clause (a). In the circumstances, we find it would be appropriate to saddle the Petitioners with the cost of Rs.25,000/- each, which shall be paid to the "Tata Memorial Hospital". For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Magistrate that subject proceedings shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioners in accordance with law.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]