IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.163 OF 2017

Vivek Kedarnath Keekhra Applicant
versus
The State of Maharashtra and others Respondents

Mr.Subhash Jha i/by Mr.Ashok M. Bhatia for Applicant.
Mr.G.S.Kulkarni with Mr.M.D.Parcek for Respondent no.2.
Mr.K.V.Saste, APP, for State.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.
DATE : 26th April 2017

PC :

1. This is an application seeking quashing of the charge sheet No.561/PW/2015 on the file of learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai. Though the offences alleged are of criminal breach of trust, cheating and forgery, what is essentially projected and by both sides, was the dispute pertaining to procurement of personal loan. A sum of Rs.1,22,80,000/- was allegedly parted with by the complainant and stated to be on the assurance of Applicant. It is in these circumstances that both sides placed before this Court consent terms.

2. The Applicant Vivek Kedarnath Neekhra who is the original accused, has handed over to the complainant-Respondent no.2 the last instalment of Rs.20 lakh by certain demand drafts and more particularly described in Clause-4 of the consent terms. Having been handed over and constituting the final instalment, it is stated by

Mr.Kulkarni appearing for the complainant that all disputes have been amicably resolved. It is only because of the non-refund or return of Rs.1,22,80,000 that criminal law was set in motion.

3. Upon perusal of the consent terms, which are handed in and duly signed by both sides, what we have noted is that they are familiar with dealings and mentioned in the charge sheet. They are all educated and residing at Mumbai/Delhi NCR. It is stated that they have understood these consent terms with all their implications and legal consequences. All civil disputes have also been amicably resolved. It is in these circumstances that in the presence of second Respondent-complainant, we take these consent terms on record.

4. Primarily a civil dispute and arising out of dealings, which are totally private, resulted in criminal law being set in motion. The larger interests of society are not affected, though serious offences are alleged of forgery. Having perused the relevant materials, we are satisfied that quashing of the first information report (`FIR') and the charge sheet would not adversely affect the interest of society.

5. In the circumstances and facts peculiar to this case, we allow the criminal application. We quash the subject FIR and charge sheet. This order is passed in the presence of both, the Applicant and the second Respondent-complainant. No order as to costs.

(PRAKASH D. NAIK, J.) (S.C.DHARMADHIKARI, J.)

MST