

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

CRIMINAL WRIT PETITION NO. 1232 OF 2017

1. Siddik Yusuf Furniturewala & Ors. ... Petitioners
Vs
1. The State of Maharashtra & Anr. ... Respondents

Mr. Niranjan S. Mundargi for the Petitioner.
Mrs. M.H. Mhatre, APP, for the Respondent-State.
Mr. Vikram Sutaria for the Respondent No.2.

***CORAM : S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.***

THURSDAY, 30TH MARCH, 2017

P.C. :

1 Rule. Respondents waive service. By consent, rule made returnable forthwith.

1A The original complainant - respondent No.2 has filed an affidavit in which he says categorically that C.R. No.26 of 2017 registered at his instance against the petitioners alleges offences punishable under sections 406, 409, 420 and 34 of the Indian Penal Code. The FIR with Uran Police Station, has been registered only because certain consignments and which were imported and which were to be released and in favour of the complainant were

not released though he had paid a sum of Rs.80 lakhs.

2 He has stated that after the FIR was registered, with the intervention of others, this dispute arising out of the imported cargo being released and in favour of the complainant, is settled. The dispute has been amicably settled. There is a confirmation in that regard by an affidavit filed in this Court. The second respondent is present in Court. He has been read over and explained the contents of this affidavit. This affidavit records his understanding, namely, of an amicable settlement of the entire dispute and the claim between him and the petitioners. He, therefore, says that he has voluntarily signed this affidavit and for being tendered in the Court.

3 Having ascertained all this from the respondent No.2, who is present in Court, we are satisfied that the criminal law was set in motion on account of a dispute and claim which was essentially civil in nature. There are no interests of the society at large which are adversely affected. The larger public interest having not been involved and the dispute essentially between two private traders and businessmen, we allow the request of the

petitioner to quash these proceedings in exercise of our powers under Article 226 of the Constitution of India read with section 402 of the Criminal Procedure Code. We quash the FIR (C.R. No. 26 of 2017) registered with the Uran Police Station. Rule is made absolute in terms of prayer clause (a).

PRAKASH D. NAIK, J.

S.C. DHARMADHIKARI, J.