

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1261 OF 2017

Mr. Amit Purshottam Sharma
through Power of attorney holder -
Mr. Anil Ramdas IngalePetitioner
versus
The Senior Inspector of Police, Economic
Offences Wing, Unit-II, Mumbai and ors.Respondents

Mr. Rizwan Merchant i/b. Rajiv Sawant and Associates, advocates for the petitioner.

Ms. S. D. Shinde, APP for the State.

Mr. Ganesh Bhujbal, advocate for respondent No.3.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 5th APRIL, 2017.

P. C. :

Heard Mr. Merchant, learned counsel for the petitioner, Ms. Shinde, learned APP for the State and Mr. Bhujbal, learned counsel for respondent No.3.

2. The petition is filed for quashing the proceedings of C.C.No.177/PW/2015 pending on the file on learned Metropolitan Magistrate Court at Esplanade, Mumbai. The said case arises out of registration of bearing C.R.No.213 of 2013 registered at the instance of respondent No.3 with Khar Police Station against the petitioner, his sister and his partner for the offences punishable under Sections 406, 420

read with Section 34 of the Indian Penal Code, 1860. After completion of the investigation, Khar Police Station filed a charge-sheet in the Court of Metropolitan Magistrate Court at Esplanade, Mumbai, against the petitioner and his partner – Gautam Agarwal.

3. Pending investigation of the said crime, the petitioner and his sister applied to the Sessions Court for anticipatory bail. In this proceedings, the dispute between the petitioner, his sister, his partner and respondent No.3 came to be settled and, accordingly, consent terms are filed before the Additional Sessions Judge in anticipatory bail application No. 687 of 2013, a copy of which is annexed at “Exhibit B”, page 23. In terms of clause (C) of the consent terms, the petitioner and his sister agreed to pay to respondent No.3, total amount of Rs.1,37,00,000/- by way of three post dated cheques. Respondent No.3-complainant agreed that subject to the realisation of the said cheques, he will file an affidavit before this Court in appropriate proceedings for recording “No Objection/Sanction for quashing the criminal proceedings arising out of the subject FIR. Learned counsel for the petitioner stated that all three post-dated cheques are realised and this fact is not disputed by learned counsel for respondent No.3.

4. In the light of the above, the parties have approached this

Court for quashing the proceedings of the subject criminal case. Respondent No.3 has filed an affidavit dated 5th April, 2017. He has reiterated whatever has been stated hereinabove. In paragraph 4, he has given his no objection for quashing the proceedings of the subject criminal case. In paragraphs 2 and 4 of the said consent terms, respondent No.3 has given his no objection to quash the proceedings of the subject criminal case. Respondent No.3 is personally present before the Court. On being queried, he specifically stated that he has gone through the copy of the petition and the affidavit and he has understood the contents of the same and has no objection, if the proceedings of the subject criminal case are quashed and set-aside.

5. 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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Gian Singh v. State of Punjab, (2012) 10 SCC 303**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the petitioner. The petitioner shall deposit the costs with Police Welfare Fund viz. Senior Police Inspector, G.B.C.B. CID (Admn.), A/C.11037359614, State Bank of India, Churchgate Branch and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

5. Since the proceedings of the subject criminal case are quashed, all consequential actions including Red Corner Notice against the petitioner stands quashed.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]