

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 2485 OF 2017**

Jayantilal Jethamal Jain and Others.

..Petitioners.

*Versus*

State of Maharashtra & Another.

..Respondents.

Mr. S. P. Kadam i/b Mr. Sachin K. Hande for the Petitioner.

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

Mr. Ranjeet H. Patil for Respondent No. 2.

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

Date : **July 25, 2017.**

P. C. :

1. Heard Mr. Kadam, the learned Counsel appearing for the Petitioners, Mr. Patil, the learned Counsel appearing for the Respondent No. 2 and Ms. Shinde, the learned APP for the State.

2. The petition is filed seeking quashment of the FIR bearing CR. No. 26 of 2017 registered with Revdanda Police Station, Raigad. The said FIR is registered at the instance of Respondent No. 2 for the offence punishable under sections 420 and 406 read with 34 of the Indian Penal Code, 1860 and Section 43 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, with the help and intervention of friends and well-wishers, the parties amicably settled

their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent No. 2.

4. Respondent No. 2 has filed affidavit dated 25<sup>th</sup> July 2017 wherein he has given no objection to quash the subject FIR. Likewise, aggrieved persons, namely Suvana Bandari, Justin Farnandis, Shailesh Ratvadkar, Rajendra Mhatre and Suresh Palvankar have also filed separate affidavits dated 25<sup>th</sup> July 2017 and have given no objection to quash the subject FIR. Respondent No. 2 as well as above mentioned aggrieved persons are personally present in the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR against the Petitioners.

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. 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 subject FIR alive pending except ultimately burdening the Criminal Courts which are already overburdened.

6. 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 subject FIR. Accordingly, petition is made absolute in terms of prayer clause (b). However, in the circumstances of the case, the Petitioners are saddled with the cost of Rs.25,000/- which shall be paid in favour of Kirtikar Law Library. 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*.

**[SARANG V. KOTWAL, J.]**

**[RANJIT MORE, J.]**