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

CRIMINAL APPLICATION NO. 749 OF 2016

M/s. Bevcon Wayors Pvt. Ltd. .. Applicant
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. A. P. Kulkarni for the Applicant.
Mr. N. B. Patil, APP for the Respondent-State.
Mr. P. M. Arjunwadkar for Respondent No.2.

**CORAM : RANJIT MORE AND
A. S. GADKARI, JJ.**

DATE : 31st JULY, 2017.

P. C. :

1. Heard learned counsel for the petitioner, learned counsel for respondent No.2 and learned APP for the State. The petition is filed for quashing and setting aside the FIR No. 1/16 registered with Kupwad Police Station, Tal- Miraj, District Sangli at the instance of respondent No.2 for the offence punishable under Sections 403, 406, 409, 417, 500 read with Section 34 of the Indian Penal Code. The said FIR is registered with M.I.D.C., Kupwad Police Station in pursuance of the order dated 25.01.2016 passed by the learned Judicial Magistrate First Class, Miraj under Section 156(3) of the Cr. P. C. in R. C. C. No. 32 of 2016.

2. The learned Counsel appearing for the respective parties

submitted that pending investigation, parties have settled their dispute amicably and entered into Memorandum of Understanding dated 27.06.2016 and in pursuance of the settlement arrived at, the parties have now approached this Court for quashing the subject FIR by consent. Respondent No.2 has accordingly filed affidavit dated 31.07.2017. In paragraph 7 thereof, he has given no objection for quashing the subject FIR.

3. Respondent No.2 is personally present in the Court. On a specific query made by us, Respondent No. 2 submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has stated that he has been explained the contents of the petition and have understood the same. He also specifically states that the dispute being settled between them, he has no objection for quashing the subject FIR.

4. 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 except ultimately burdening the Criminal Courts which are already overburdened.

5. 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, the application is allowed in terms of prayer clause (a).

[A. S. GADKARI, J.]

[RANJIT MORE, J.]