

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2948 OF 2017

Sanjay K. Makhija	.. Petitioner
V/s.	
The State of Maharashtra & Anr.	.. Respondents

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Mr.A.H. Fatangare, Advocate for the Petitioner.
Mrs.A.S. Pai, APP for Respondent No.1 – State.
Mr.Devendra D. Pawar, Advocate for Respondent No.2.

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CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATED : OCTOBER 4, 2017.

P.C. :

Heard the learned counsel for the petitioner, respondent no.2 and learned APP for the Respondent-State. Petition is filed for quashing and setting aside the M.E.C.R. No.1 of 2015, registered with Dadar Police Station at the instance of respondent no.2 for the offences punishable under Sections 420, 467, 468, 471, 474 and 120-B of the Indian Penal Code.

2 Pending investigation the petitioner-accused as well as other accused and the respondent no. 2-complainant settled

their dispute and filed Consent Terms before the City Civil Court at Mumbai in S.C.Suit No. 2194 of 2015. Copy of which is annexed at Page No.22. Paragraph 2 of the Consent Terms reads as follows:

“2] The Plaintiffs agree to withdraw criminal complaints filed by them with Dadar Police Station including the Complaint under No.MECR-1 of 2015 against Defendants and/or further the Plaintiffs agree to take steps/appropriate legal proceedings in the court of proper jurisdiction/DADAR MM COURT/ Sessions court/ High Court for quashing of the said complaints.”

In pursuant to the understanding arrived at between the parties the respondent no.2 have agreed for quashing the subject crime by consent. Respondent no.2 has accordingly filed affidavit dated 8th September, 2017. In paragraph 6 he has stated that he has no objection to quash and set aside the subject FIR. Respondent no.2 is personally present in the court. On specific query he states that the subject M.E.C.R. may be quashed as the petitioner as well as all the accused have settled the dispute.

3 It can, thus, be seen that the matter has been amicably settled between the parties. On perusal of complaint, it transpires that the allegations are totally personal in nature. 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***¹, we find that no purpose would be served by keeping the M.E.C.R. No.1 of 2015 pending except ultimately burdening the Criminal Courts which are already overburdened.

4 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***², we are of the considered view that there is no impediment in quashing the M.E.C.R. No.1 of 2015.

5 Accordingly, Writ Petition is allowed in terms of prayer Clause (a). Consequently, the M.E.C.R. No.1 of 2015 registered with Dadar Police Station, Mumbai is quashed and set aside subject to payment of cost of Rs.50,000/- (Rupees Fifty Thousand), which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill

1 (2008) 4SCC 582

2 2014 AIR SCW 2065

cancer patients. For the quashment to take effect, the petitioner 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 FIR shall be treated as *non-est*.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)