

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 915 OF 2017

Siddhesh Sunil Deshmukh. ..Applicant.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Gaurav Parkar for the Applicant.

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

Mr. R. R. Sonawane for Respondent No. 2 and 3.

Mr. Santosh Balbhim Tagad, PSI from Thanenagar Police Station,
Thane is present.

Coram : RANJIT MORE &
SANDEEP K. SHINDE, JJ.

Date : **December 6, 2017.**

P. C. :

1. At the outset, Mr. Parkar, the learned Counsel for the Applicant seeks leave to amend prayer clauses. Leave granted. Necessary amendment be carried out forthwith.

2. Heard the learned Counsel for the Applicant, the learned APP for the State and the learned Counsel for Respondent No. 2 and 3. The application is filed seeking to quash the proceedings of criminal case bearing RCC No. 66 of 2015 pending on the file of JMFC, Thane. The said case arises out of an FIR bearing CR. No. 122 of 2014 registered with Thanenagar Police Station, Thane at the instance of Respondent No. 3 for the offence punishable under sections 420 and 406 of IPC.

3. Respondent No. 3 is the proprietor of Respondent No. 2 which runs Shell Hospitality Academy Private Limited. In this academy Respondent No. 3 is giving training to the students in vocational courses. Allegation made in the FIR is that present Petitioner by promising to send 34 students to Malaysia and Singapore on internship, extracted money from them at the rate of Rs.45,000/- to 55,000/-.

4. The learned Counsel appearing for the respective parties submitted that pending trial of the aforesaid case, parties have settled the disputes amicably and pursuant to the understanding arrived at between them, have approached this Court for quashing the proceedings of the above case, by consent.

5. The learned Counsel for the Applicant submitted that the Applicant has deposited an amount of Rs.11 lakh with complainant – Respondent No.3 herein and Respondent No.3 has paid this amount to the respective students. This fact is not disputed by Respondent No. 3. The learned APP having taken instructions from the concerned officer, states that the Applicant has paid to Respondent No.3 an amount of Rs.11 lakh and Respondent No.3, in turn, has disbursed this amount to 33 students. She submitted that claim of one student – Mr. Divesh Nandkumar Joshi is remained to be satisfied for want of his

whereabouts. The learned Counsel for the Applicant states that the Applicant is ready and willing to deposit Rs. 55,000/- in this Court and said Divesh Joshi is entitled to withdraw the said amount after quashment of the subject criminal case. Respondent No.3 has filed an affidavit dated 6th September 2017. In paragraph 6, he has given no objection to quash the proceedings of the subject criminal case. In paragraph 8, he has stated that he has no further claim against the Applicant. Respondent No.3 is personally present in the Court. On specific query made by us, he submitted that he has made the said affidavit on his own, without there being any pressure on him. He reiterated that he has no objection to quash the proceedings of the subject criminal case against the Applicant.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, 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 criminal proceedings pending except ultimately burdening the Criminal Courts which are

already overburdened.

7. 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 criminal proceeding. Accordingly, application is allowed in terms of prayer clause (a). However, this quashment is subject to the Applicant depositing an amount of Rs.55,000/- in this Court within two weeks from today. In case Mr. Divesh Nandkumar Joshi approaches this Court, the Registry shall pay the said amount of Rs.55,000/- to him upon his establishing identity. For the time being, Registry shall invest the said amount in the FDR of any nationalised bank initially for one year and shall go on renewing the same from time to time.

8. In view of the quashment of the subject criminal case, the Look-Out Notice issued against the Applicant by the Dy. Commissioner of Police, Zone-I, Thane City, Thane is also quashed and set aside.

9. Application stands disposed of.

[SANDEEP K. SHINDE, J.]

[RANJIT MORE, J.]