

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.967 OF 2017

Mr. Anand A. ThakurApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Ms. Regina Corriea with Mr. A.V.Chatuphale, Advocates for Applicant.
Mr. F.R.Shaikh, APP for the Respondent-State.
Bhavika S. Kuperkar, Advocate for Respondent No.2.

**CORAM :- RANJEET MORE &
SANDEEP K. SHINDE, JJ.**

DATE :- 7TH DECEMBER, 2017.

RC. :-

Heard the learned counsel for the Applicant,
Respondent No.2 and the learned APP for the State.

2 This Application is filed for quashing and setting aside the FIR bearing No.0162 of 2017 registered at the instance of the Respondent No.2 with Kharghar Police Station for the offences punishable under Sections 406, 420 read with Section 34 of IPC and Section 8 of the MOFA Act, 1963. The said FIR is registered against six accused including the present Applicant namely, Anand Thakur. Pending investigation, the Respondent No.2 came to know that the

Applicant has no concern with Balaji Associates and, therefore, he settled all his disputes with the Applicant and in terms of understanding arrived at between them approached this Court for quashing of the subject FIR as against the Applicant.

3 Respondent No.2 as well as his wife have filed separate affidavits dated 7.11.2017. In paragraph 2 thereof, specific statement is made that the present Applicant has not at all concern with the transaction in question and he was made an accused merely because he is brother of the other accused. It is also stated that the present Applicant has nothing to do with M/s. Balaji Associates and, therefore, Respondent No.2 and his wife requested to quash and set aside the subject FIR so far as the present Applicant is concerned. Both Respondent No.2 and his wife are present in the Court. They have reiterated what is stated in their affidavits. On specific query, they state that they have no objection to quash and set aside the subject FIR as against the present Applicant.

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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Narinder Singh vs. State of Punjab.

[2014 AIR SCW 2065], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

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

(SANDEEP K. SHINDE, J.)

(RANJEET MORE, J.)