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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1193 OF 2017

1. Vasudev Dayaram Navani and anr. .. Applicants

Vs.

1. The State of Maharashtra and anr. .. Respondents

Mr. Abad Ponda, Mr. Darshan R. Mehta, Mr. Amit Ghag i/by M/s. Dhruve Liladhar and Co. for applicants.

Mr. K. V. Saste, APP for State.

Mr. Hrishikesh Mundargi for respondent no.2.

CORAM: NARESH H. PATIL &
NITIN W. SAMBRE, JJ.

DECEMBER 22, 2017.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. This application is filed for quashing the FIR bearing C. R.20 of 2016 registered with Economic Offences Wing, Unit-V, Mumbai (C.R. No.141 of 2016 for offences under Sections 409, 420, 465, 467, 468, 471 read with Section 34 of IPC registered with Bandra Police Station).

3. The learned counsel appearing for the parties informed that the case is under investigation. The learned counsel appearing for the petitioners has referred to order passed by this court on 4/5/2016 in Criminal Writ Petition No. 1570 of 2016.

4. Both the learned counsel appearing for the parties submit that the issue is private in nature. Considering the allegations made by the respondent no.2 in respect of alleged forged signature, FIR came to be registered. Now the parties have decided to resolve their disputes / differences. They have reached amicable settlement. An affidavit of respondent no.2 is placed on record. Para 3 of the said affidavit reads as under:-

“3. I state that, considering the medical condition of Applicant no.1 & 2, on humanitarian grounds I have buried the differences and hence do not wish to pursue the complaint. I state that, in view thereof, I have already addressed a letter dated 21st October, 2017 to the Joint Commissioner of Police, EOW, Mumbai informing them that I do not wish to pursue the complaint in view of serious and critical medical condition / illness of Applicant No.1”.

5. The complainant is present in court. He is identified by his learned counsel.

6. We have perused the record and the order passed relating to de-freezing of the account. We have also perused the order passed by us on 4/5/2016 in Criminal Writ Petition No. 1570 of 2016. Para 6 of the said order reads as under :-

“6. We have perused the record placed before us. Considering the submissions made, we find that the complaint of forged documents and transfer of shares by the Petitioner has been made by the complainant at a highly belated stage. The Petitioner's case is that the shares held by the complainant were transferred in the year 1997-98 itself and this fact of transfer of shares in favour of one Mr. Navani, the co-accused had been shown in the record/books and registers of the companies and the same had also been informed to the complainant at that time. Annual report and other documents published on yearly basis had described these changes but still the complainant did not make any grievance for all these years.”

7. The learned APP submits that as the parties are mutually agreeing to settle the disputes / differences between them, the necessary orders be passed.

8. In view of the afore-stated facts and the affidavit filed by the complainant, we find that ends of justice would meet if the parties are allowed to get the FIR quashed.

9. The application is allowed. The FIR bearing C.R. No. 20 of 2016 registered with Economic Offences Wing, Unit-V, Mumbai (C.R. No.141 of 2016 for offences under Sections 409, 420, 465, 467, 468, 471 read with Section 34 of IPC registered with Bandra Police Station) against the applicants is hereby quashed subject to payment of costs of Rs.25,000/- to be paid by the applicants to the Police Welfare Fund.

8. Rule is made absolute in the above terms.

(NITIN W. SAMBRE J.)

(NARESH H. PATIL,J.)