

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

CRIMINAL APPLICATION NO.1209 OF 2017

Vijay Kumar Bansal ... Applicant
V/s.
The State of Maharashtra and anr. ... Respondents

Mr.Hrishikesh Mundargi i/by Ms.Shradha Sawant for the
Applicant/Petitioner.

Dr.F.R.Shaikh, APP for Respondent No.1/the State.

Mr.A.H.H.Ponda for Respondent No.2.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 13, 2017.

P.C. :

. Rule. Rule returnable forthwith.

2. The Applicant-accused filed this application for quashing of FIR bearing C.R.No.337/2015 registered with Paidhuni police station, Mumbai, for offence punishable under Sections 406, 420, 467, 468 and 471 of IPC. The investigation was transferred to the Economic Offence Wing for investigation vide C.R.No.51/2015. Learned counsel appearing for the Applicant submits that the Applicant filed an application for Anticipatory Bail in the Sessions Court, Mumbai. The Sessions Court rejected the application for

Anticipatory Bail. An Anticipatory Bail Application No.1435 of 2016 was filed in the High Court. By order dated 5th April, 2017, the learned Single Judge of this Court rejected the application. The Applicant then approached the Apex Court. By an order dated 26th April, 2017, the Apex Court passed following order:

“Heard the learned Senior counsel appearing for the petitioner.

Subject to the Petitioner depositing Rs.2.00 Crores (Rupees Two Crores) before the Registrar of the Supreme Court in a period of four weeks from today and giving security to the satisfaction of the Registrar to the extent of Rs.5.00 Crores (Rupees Five Crores), again within a period of four weeks from today, the petitioner shall not be arrested.

The Petitioner shall cooperate with the investigation as and when required. If the petitioner fails to cooperate, the State of Maharashtra may come before us to vary this order.

The petitioner shall also deposit his Passport with the Investigating Officer in Mumbai within a period of one week from today.

As soon as Rs.2.00 Crores is deposited, it will be put into a short-term fixed deposit.”

3. The learned counsel appearing for the Applicant submits that certain goods were to be supplied by the Applicant to the complainant worth Rs.11 crores. Applicant claims to have supplied goods worth Rs.3.5 crores and thereafter, transferred Rs.1 crore in the account of the complainant. Under the orders of the Apex Court, the Applicant deposited Rs.2 crores with the Registry of the Supreme Court and furnished security to the satisfaction of the Registrar of the Apex Court to the extent of Rs.5 crores.

4. The learned counsel submits that both-the Applicant and the complainant are engaged in business. The present dispute is a private dispute not involving any larger implications on public at large. The parties have amicably settled the differences-disputes. The counsel further prays for quashing the FIR registered by the police transferred to the Economic Offence Wing.

5. The learned counsel appearing for the complainant does not dispute the proposal of the Applicant for getting the FIR quashed. He has tendered an affidavit of Gopal Bidhichand Goyal, who

according to counsel is present before the court. The counsel has identified the complainant.

6. Reliance is placed on consent terms (page 32 of the paper-book) in support of the contentions for getting the proceedings quashed.

7. The learned APP submits that appropriate orders be passed and cost be imposed as the Economic Offence Wing machinery was moved and Police had to investigate the offence by spending valuable time.

8. Perused the record placed before us. Considering the submissions advanced, in the facts we find that out of business transactions a complaint came to be filed, as goods ordered by the complainant were not supplied by the Applicant-accused. None of the parties have referred to the further payment out of Rs.11 crores, except the details of payment as stated above. Suffice it to mention that both the parties have reconciled their dispute and therefore, seek quashing of the FIR so that in future they

themselves continue to transact the business.

9. In the facts, we find that the FIR which was registered as stated above and transferred to the Economic Offence Wing for investigation bearing C.R.No.51 of 2015 needs to be quashed. Hence, order:

ORDER

- i. Application is allowed.
- ii. FIR bearing C.R.No.337/2015 registered with Paidhuni police station, Mumbai is quashed, subject to the Applicant depositing an amount of Rs.2,00,000/- with the TATA Memorial Cancer Hospital, Mumbai, towards research fund.
- iii. Payment receipt be deposited with the Registrar by 22nd December, 2017. Failure thereto the application be listed before the court.

Parties to act on authenticated copy of this order.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)