

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 25 OF 2018

Bharat Kantilal Thakkar .. Applicant

Vs.

The State of Maharashtra & Ors. .. Respondents

....
Mr. Jatin P. Shah Advocate for Applicant
Mr. Arfan Sait A.P.P. for the State
Mr. Vijay Shankar R. Mishra Advocate for Respondent Nos. 3 & 4
....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATED : JANUARY 18, 2018

ORAL ORDER [PER SMT.V.K.TAHIRAMANI, ACJ.]:

1 The applicant - original accused is seeking quashing of F.I.R. No.153 of 2012 of Tardeo Police Station, Mumbai and the proceedings relating thereto. The said case i.e. C.C. No. 106/PW/2013 is under Sections 406, 420, 465 and 468 of IPC. The said case is now pending before the Additional Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai.

2 Heard the learned counsel for the applicant - original accused, learned counsel for the respondent nos. 3 and 4 and the learned A.P.P. for the State. Respondent no.3 is the first Informant and respondent no.4 is the son of the first Informant. Respondent no.4 is the Proprietor of the firm in connection with which the alleged offence is stated to have taken place. The applicant is present before the Court. So also, respondent no.4 is present before the Court. Respondent no.4 states that his father who is the original complainant, was hospitalized last week and he is unwell. He states that he and his father have jointly filed an affidavit wherein it is stated that the matter has been amicably settled by him and his father with the applicant and they have no objection to the quashing of F.I.R. and the proceedings relating thereto. The said affidavit is at Exh. E to the petition.

3 The Supreme Court in ***Gian Singh Vs. State of Punjab and Anr.*** reported in **(2012) 10 SCC 303** has observed that in criminal cases which have overwhelmingly and predominantly civil flavour particularly offence arising from commercial,

financial, mercantile, civil, partnership or such like transactions where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court may quash such criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. The present case squarely falls in the said category as observed by the Hon'ble Supreme Court in the case of **Gian Singh (supra)**.

4 Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant as well as respondent no.4 who is the proprietor of the firm in relation to which the offence was committed, do not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, F.I.R. No. 153 of 2012 of Tardeo Police Station and the proceedings relating thereto i.e.

CC No. 106/PW/2013 pending before the Additional Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai are quashed. Application is allowed and disposed of in above terms.

M.S.KARNIK, J.

ACTING CHIEF JUSTICE

kandarkar