

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 106 OF 2018**

**Royal Trucking Co. Pvt Ltd.
through Jainul Azizul Haque**

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Dhrutiman S. Joshi for the Applicant

Dr. F. R. Shaikh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 28th FEBRUARY, 2018

P.C.

1 The above Criminal Application has been filed by the first informant itself for quashing of the FIR lodged by it being FIR No.0028 of 2017 dated 17-7-2017 registered with the Dighi Sagari, Police Station, Taluka Shrivardhan District Raigad, for offence punishable under Section 379 of the IPC. In the context of the relief sought in the above Criminal Application, paragraphs 6, 7, and 8 of the above Criminal Application are material and are reproduced hereinunder:

6. That when the abovementioned Revision Applications came up for hearing in the month of September 2017, a compromise was arrived between Mr. Imran Memon, and Mr. Jaynul Azizul Haq on behalf of the Applicant. The Applicant further states that the said compromise had been recoded in orders dated 19/9/2017 pursuant to which the Revision Application No.34 of 2017 and Revision Application No.33 of 2017 were disposed off. Hereto annexed and marked as Exhibit C are the copies of the said orders dated

19/9/2017 passed in Revision Application No.34 of 2017 and Revision Application No.33 of 2017.

7. The Applicant however states that even after arriving at a compromise settlement arrived with the said Mr. Imran Memon, the Respondent No.2 police station has been contacting the present Applicant and Directors of Dighi Port Limited in reference to the investigation in FIR No.28 of 2017. The Applicant states that therefore Mr. Jaynul Azizul Haw has on behalf of present Applicant addressed a letter dated 20th January 2018 to the Respondent No.2 informing them about the compromise settlement arrived at between Applicant and Mr. Imran Memon. Hereto annexed and marked as Exhibit D is a copy of the said letter dated 20th January 2018 addressed to the Respondent No.2 police station.

8. The Applicant states that the entire case is amicably resolved. Hence there is no point I pursuing the criminal proceedings as such the applicant is approaching this Hon'ble Court by way of the present Application under Section 482 of the Criminal Procedure Code, on the following grounds which are without prejudice to one another.

2 Hence the reading of the said paragraphs discloses that a compromise was arrived at between the Applicant who is the first informant and the purchasers who had purchased the crane bonafide without notice. The above Criminal Application has been filed pursuant to the decision taken by the management of the Applicant as reflected in the certificate annexed at Exhibit A whereby its General Manager Operations Mr. Jainul Haque s/o Late Azizul Haque, was authorised to deal with the legal matters arising out of the theft of the crane.

3 In view of the averments which have been referred to hereinabove and considering the fact that the instant Criminal Application has been filed by the first informant itself, no useful purpose would be served by continuing the proceeding. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]