

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 412 OF 2018**

Rajesh Kalra

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Saijo Mathew for the Applicant

Mr. P. Rajan i/b Halai & Co. for the Respondent No.2

Mr. K. V. Saste Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 4th APRIL, 2018**

PC.

1 The above Criminal Application has been filed for quashing of the FIR being No.125 of 2016 dated 26-5-2016 registered with the D. B. Marg Police Station for offences punishable under Sections 406 and 420 of the IPC. The said FIR has arisen on account of business transaction between the Petitioner and the first informant i.e. the Respondent No.2 herein. It is not necessary to dilate further on facts.

2 The first informant i.e. the Respondent No.2 herein has filed an affidavit dated 4-3-2018. In the context of the relief sought in the present Petition paragraph 5 of the said affidavit is material and is reproduced hereinunder:

5. In the circumstances stated hereinabove, I hereby give consent for quashing of the said FIR bearing No.125 of 2016 dated 26th May 2016.

However, preceding paragraph 5, it is stated in the earlier paragraph that the Petitioner herein has now agreed to make a payment and agreed to settle the dispute.

3 The Respondent No.2 Mr. Rajendra Kumar Agarwal is personally present in Court. He is identified by the Learned Counsel Mr. Ranjan i/b Halai & Co. He is also identified by his Driving Licence bearing No.MH-01 20100019062 issued on 24-10-1986 and valid up to 16-3-2020. When put in the box and queried the Respondent No.2 states that he has read the affidavit dated 4-3-2018 which is tendered by the Learned Counsel Mr. Ranjan today. He further states that the contents of the said affidavit are acceptable to him and that he has signed the said affidavit of his own free will and volition. He further states that the dispute between him and the Petitioner has been settled.

4 The Petitioner Mr. Rajesh Karla is also personally present in Court. He is identified by the Learned Counsel Mr. Saijo Mathew. He is also identified by his Driving Licence bearing No.DL-0320110225836 issued on 29-11-2016 and valid up to 28-12-2021. When put in the box and queried he accepts the factum of the settlement between him and the first informant i.e. the Respondent No.2 herein.

5 Hence the affidavit filed by the Respondent No.2 as also the statements made by the Petitioner and the Respondent No.2 when put in the box and queried unequivocally indicate that the parties have settled their dispute as a result of which the first informant i.e. the Respondent No.2 does not desire to proceed with the FIR in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the above Criminal Application. No useful purpose would be served in keeping the proceedings pending, the above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

6 Since the machinery of this Court is utilised to settle the dispute between the parties the Petitioner to deposit costs of Rs.20,000/- with the State Legal Aid Fund, within 6 weeks from date. Receipt to be obtained and filed in the registry.

7 The Learned Counsel for the Respondent No.2 undertakes to file his vakalatnama during the course of the day. Undertaking accepted.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065