

Sequeira

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

CRIMINAL APPLICATION NO. 1012 OF 2018

Mr.Dilip Jayantilal Mehta ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Ms.Deepika Gupta, for the Applicant.

Mr.Deepak Thakre, PP, for State.

Mr.Bharat Bhatia, for Respondent No.2.

*CORAM : S. S. SHINDE &
MRS.MRIDULA BHATKAR, JJ.
Date : September 6, 2018.*

P.C. :

Heard. Rule. Rule made returnable forthwith. By consent taken up for final disposal.

2. This Application under section 482 of Code of Criminal Procedure is filed praying therein to quash First Information Report being C.R. No.I-30 of 2018 registered with the APMC Police Station by the Respondent No.2 for the offences punishable under section 406, 420 and 465 of the Indian Penal Code.

3. Pursuant to the notice issued to the Respondent No.2 has caused the appearance through Advocate Mr.Bharat Bhatia. The

learned counsel appearing for Respondent No.2 submits that Respondent No.2 is present in the Court. He has tendered across bar affidavit. It is jointly submitted by learned counsel appearing for the Applicant and Respondent No.2 that they have amicably settled the dispute. The learned counsel appearing for Respondent No.2 invites our attention to the averments in the affidavit and submits that the Applicant and Respondent No.2 have amicably settled the dispute and he has no objection to allow the Criminal Application and quash the First Information Report aforementioned.

4. It appears from the allegations in the First Information Report and averments in the reply that the dispute is predominantly civil in nature, in as much as, there was some money transaction between the parties. Since the Applicant and Respondent No.2 have amicably settled the dispute, there is no point in continuing further investigation of the allegations in the aforesaid FIR since Respondent No.2 is not going to support the said allegations, and further investigation would lead to an abuse of process of law. In that view of the matter, we are inclined to allow this Application. Accordingly, Petition is allowed in terms of prayer clause (b). Rule made absolute on above terms. Application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)

(S. S. SHINDE, J.)

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