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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 782 OF 2021

Uttam Surajnarayan Jhavar ...Applicant

Versus

Indrajeetsingh Tarasingh Nagpal
& Anr ...Respondents

- Mr. Prakash P. Vare for Applicant.
- Ms. M.H. Mhatre, APP, for the Respondent – State.
- Mr. Deepak Gautam for Respondent No. 1.

CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.

DATE : FEBRUARY 16, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. The present Application is filed in this Court seeking quashment of the FIR bearing CR No. 526 of 2021 registered with MIDC Police Station, Mumbai dated 06th June, 2021 for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860, at the instance of Respondent No. 1 – Indrajeetsingh Tarasingh Nagpal.

3. Pending trial, parties have settled their dispute amicably and approached this Court for quashing proceedings had executed affidavit dated 24th December, 2021. In para 8 of the affidavit, the Respondent No. 1 has given no objection to quash the subject proceedings.

4. Respondent No. 1 is personally present before the Court. On a specific query made by this Court to Respondent No. 1, Respondent No. 1 submitted that he has made the said affidavit on his own will, without there being any pressure, coercion or undue influence.

5. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR alive, except burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of FIR in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the subject FIR in order to secure the ends of

justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

6. Accordingly, Criminal Application is allowed in terms of prayer clause 'a'.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)