

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

CRIMINAL APPLICATION NO. 130 OF 2023

Haresh Jayram Bhoir @
Haresh Yashwant Bhoir
Room No.84, Vasatgaon,
Ambernath (West),
Kalyan, Thane

... Applicant

Versus

1. The State of Maharashtra
(Through Worli Police Station)
2. Landmark Lifestyle Cars Private
Limited,
Ground floor,
Shivsagar Estate 'D' Block,
Worli, Mumbai 400 018

... Respondents

Mr Gaurav Parkar for Applicant.

Mr Rohan Sonawane for Respondent No.2.

Smt A S Pai, GP a/w. Ms M H Mhatre, APP for the
Respondent No.1-State.

Mr Surendra Agarwal, authorised representative of
respondent No.2 present in Court.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 10th JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the applicant seeks the quashing of FIR No.17 of 2020, dated 23 January 2020, registered against him at Worli Police Station, Mumbai at the instance of Respondent No.2 for the offences punishable under Sections 408,465,467,468,471,201 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. The learned counsel for the Petitioner and Respondent No.2 jointly stated that the dispute arose due to some misunderstanding, which has now been settled amicably. They

submitted that continuing the prosecution would serve no purpose, given the settlement between the parties. They argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent No.2 tendered a consent affidavit dated 10 January 2023 of one Mr Surendra Agrawal, the Chief Financial Officer and an authorised representative of Respondent No.2 company, appeared before us and stated that he has no objection to quash the impugned FIR against the Applicant. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the dispute predominantly has a civil

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

flavour and had been resolved amicably. It is admitted by Respondent No.2 that he is not beneficiary of any amount allegedly siphoned off from the account of Respondent No.2 company. As the complainant is no longer willing to support the allegations, which he now described as arising from misunderstanding, allowing criminal prosecution to continue would be an abuse of the process of the Court and serve no purpose given the settlement between the parties. Moreover, the conflict has no repercussions for society in general. In order to secure ends of justice, it would be appropriate to quash the impugned FIR qua the Petitioner. The consent affidavit filed on behalf of Respondent No.2 supports the prayer to quash the impugned FIR. Therefore, based on these facts, FIR bearing C.R. No.17/2020 registered with Worli Police Station against the Applicant needs to be quashed and set aside.

8. Accordingly, we allow this Criminal Application in terms of prayer clauses (a) and (b) and quash and set aside the subject FIR No.17/2020 dated 23 January 2020, registered with Worli Police Station, Mumbai, along with the proceedings arising from it subject to deposit of costs of Rs.10,000/- each by the Applicant and Respondent No.2 with

the High Court Legal Services Authority within three weeks of the uploading of this order.

9. Rule is made absolute in the above terms. Criminal Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

L.S. Panjwani, PS.