

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1578 OF 2022

1. Rohit Shankar Kalbhor.
2. Shankar Namdeo Kalbhor. ...Petitioners.
Versus
The State of Maharashtra & Another. ..Respondents.

Mr. Satyam Nimbalkar, Mr. Abhishek Arote, Mr. Ashish Kachole, Mr. Omkar Chitale and Mr. Sandesh Darade for the Petitioner.
Mr. K. V. Saste, APP for the Respondent-State.
Mr. Sachin Hande for respondent No. 2.

Coram : Nitin W. Sambre &
Sharmila U. Deshmukh, Jj.

Date : June 8, 2023.

P. C. [Per Sharmila U. Deshmukh, J.] :

1. Pursuant to the order dated 3rd January 2022 passed by the JMFC, Pimpri, Pune under section 156(3) of the Code of Criminal Procedure, 1973, First Information Report bearing CR No.90 of 2022 came to be registered with Pimpri Police Station for the offences punishable under sections 197, 198, 406, 420, 465, 467, 471, 120B, 193, 468, 469, 470 and 472 read with 34 of the Indian Penal Code, 1860. The petitioner has approached this Court seeking quashing of the order dated 3rd January 2022 passed in Criminal MA No. 940 of 2019 along with the consequent FIR bearing CR No.90 of 2022.

2. Heard Mr. Nimbalkar, learned counsel appearing for the petitioners, Mr. Saste, learned APP for the respondent-State and Mr. Hande, learned counsel appearing for respondent No.2.

3. Learned counsel for the petitioners submits that during the pendency of present proceedings, the dispute has been amicably settled between the petitioners and respondent No.2 (complainant). Learned counsel for respondent No.2 does not dispute this position. He tenders the consent affidavit of respondent No.2 wherein it is stated that the dispute has been amicably and mutually settled between the parties and, as such, he does not wish to pursue the criminal proceedings in pursuance of registration of CR No. 90 of 2022.

4. Mr. Hande, learned counsel appearing for respondent No.2 undertakes to file his vakalatnama during the course of the day.

5. Perused the proceedings. It appears that there were some business transactions between the petitioner and respondent No.2. It is alleged that some cheques which were given as security to the petitioners were misused and were presented for encashment which came to be dishonoured and, as such, the proceedings under

section 138 of the Negotiable Instruments Act were initiated. It is further alleged that the signature of the applicant as well as the seal of company were forged.

6. It is stated in the consent affidavit that the entire dispute has been settled between the parties. Even the complaints which were instituted at the instance of petitioners under section 138 of the Negotiable Instruments Act would be withdrawn by the petitioners.

7. Considering that the dispute in question appears to be of a civil nature and the parties have given a quietus to the dispute and have decided to settle all proceedings, we do not find any impediment in allowing the writ petition. Hence, the writ petition is allowed and the proceedings of FIR bearing CR No.90 of 2022 registered with Pimpri Police Station as well as the order dated 3rd January 2022 passed in Criminal MA No. 940 of 2019 are hereby quashed subject to payment of costs of Rs.10,000/- to be paid by the petitioners and respondent No.2 each. Costs to be deposited in the accounts of Police Welfare Fund, Director General, M.S. Mumbai, (Account No.914010029005759, IFSC Code-UTIB0000060, Axis Bank, Worli, Mumbai (MH) within a period of three weeks from today. A

copy of the receipt evidencing payment of the cost to be filed with the Registry of this Court. Needless to state that in event the costs are not deposited within the stipulated time, the order permitting quashing of the proceedings will stand automatically recalled and petition to be listed one week thereafter for directions.

8. Writ petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]