

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL WRIT PETITION NO.965 OF 2009

Shri Pravin Bhudeo Agarwal ... Petitioner

vs

State of Maharashtra & ors ... Respondents

..
Mr.S.K.Chaturvedi i.b M/s Chaturvedi & Associates for
Petitioner
Mr.Neel Helekar for Respondent nos.2 & 3
Mr.H.J.Dedhia APP for State

CORAM: A.S.OKA, J
DATED: 30th June, 2009

P.C.

1. Rule.

2. The learned APP waives service for 1st respondent.
Learned counsel for 2nd and 3rd respondent waives
service.

3. The petitioner who is the first informant has moved
this Court for exercise of powers under section 482 of
the Code of Criminal Procedure, 1973 for quashing
proceedings in a criminal case filed at his instance. The
petitioner filed a complaint in the court of the learned
Metropolitan Magistrate alleging commission of offences
including sections 420,465, 467,468,471 r/w 120B IPC. On
the basis of the order passed under section 156 (3) of

the Code of Criminal Procedure, 1973 the police recorded FIR.

4. Reliance has been placed on arbitral proceedings between the parties. It is stated that the 2nd and 3rd respondents who were arraigned as accused have settled disputes with the applicants by paying the requisite amount.

5. Looking to the averments made in the complaint and allegations made forming part of the FIR, it appears that there was a dispute between the parties as regards commercial transaction. Now the said dispute has been admittedly settled. Hence, no purpose will be served by continuing the prosecution as continuation of prosecution will cause undue harassment to both the parties. Hence, a case is made out for exercising jurisdiction under section 482 of the Code of Criminal Procedure, 1973.

6. Hence, I pass following order :

Rule is made absolute in terms of prayer clause
(a).

A.S.Oka, J

