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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2715 OF 2015

1.Nagnath Dagadu Khatke
2.Nitin Anil Khatake
3.Appa Kisan Karande
4.Dada Vishnu Kolhe
5.Ramesh Vishnu Kolhe
6.Pappu Madhu Kolhe
7.Samadhan Kolhe

....Petitioners

versus

1.The State of Maharashtra
2. Rahul Subhash Talekar

....Respondents

Mr. Ujwal R. Agandsurve, advocate for the petitioners.
Mr. K. V.Saste, APP for the State.
Mr. K. Y. Mandlik, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 20th JULY, 2015.

P.C.:

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside FIR bearing C.R.No.118 of 2015 registered with Tembhurni Police Station, at the instance of respondent No.2, for the offences punishable under Sections 326, 325, 323, 143, 147, 148, 149, 427, 504 and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties have settled their dispute amicably and have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.2 as well as injured eye-witnesses viz. Subhash Bhagwat Talekar and Gorakh Bhagwat Talekar have filed their respective affidavits dated 14th July, 2015 and in paragraph 3 thereof, they have given their no objection for quashing and setting-aside the subject FIR. Respondent No.2 and the said eye-witnesses viz. Subhash Bhagwat Talekar and Gorakh Bhagwat Talekar are present before the Court. On being questioned, they specifically stated that whatever has been stated in the said affidavits is true and correct and they have no objection for quashing the subject FIR.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 2014 AIR (SCW) 2065,** we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the FIR is required to be quashed and set-aside. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioners. The petitioners shall deposit the costs with Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)