

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4578 OF 2015

Santosh Balbhim Patil and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondent

Mr. Ujwal R. Agandsurve, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Mr. K. Y. Mandlik, advocate for respondent No.2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 14th DECEMBER, 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 the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R.No.211 of 2015 registered with Tembhurni Police Station, Tal.Madha, District: Solapur, at the instance of respondent No.2, for the offences punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject FIR by consent.

4. The petitioner, respondent No.2 and the injured witnesses are the residents of the same village and the incident in question occurred on account of election to the Village Panchayat. They have filed cross cases against each other and now the parties have decided to settle their dispute amicably so that peace will prevail in the village. Respondent No.2 as well as injured witnesses viz. Sanjay Mohan Patil and Mohan Patil have filed separate affidavits dated 10th December, 2015 and 14th December, 2015 respectively. In paragraph 3 of their respective affidavits, they have given their consent for quashing and setting-aside the subject FIR. Respondent No.2 as well as the aforesaid injured witnesses are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if the subject FIR is quashed and set-aside.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires

that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [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. 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.

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

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]