

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 162 OF 2015

Jitendra Chamanlal Saigal
and Another.

..Applicants.

Versus

State of Maharashtra & Another.

..Respondents.

Mrs. P. V. Badadare for the Applicants.

Mr. Omkar Nagvekar for Respondent No. 2.

Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 22, 2015.**

P. C. :

1. This application is filed invoking the powers of this Court under section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of FIR / CR. No. 113 of 2011 dated 6th July 2011 registered with Talegaon Dabhade Police Station against them. The said FIR is registered at the instance of Respondent No.2, alleging the commission of offences by the Applicants, punishable under sections 447, 427, 511, 504 and 506 read with 34 of the Indian Penal Code, 1860.

2. the learned Counsel appearing for the respective

parties submitted that while investigation was pending parties have come together and settled all their disputes amicably and pursuant to the understanding arrived at between them, the Applicants have filed present application for quashing the above FIR by consent of Respondent No. 2 who is the Complainant.

3. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2. has filed an affidavit dated 6th February 2015. In paragraph 4 of the said affidavit, he has stated that he has no objection to grant the relief sought by the Applicant herein in present application. He has further stated that he has no objection to quash and set aside CR. No. 113 of 2012 registered with Talegaon Dabhade Police Station, Maval, District, Pune.

4. One Sumit Kishore Agrawal, power of attorney holder for Respondent No.2 is personally present before the Court. he submitted that under the Special Power of Attorney dated 21st April 2015, Respondent No. 2 has given him authority to appear in the matter on his behalf. On specific query made by

us, he submitted that Respondent No. 2 has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that Respondent No. 2 has no objection for quashing the FIR in question initiated him against the Applicants.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder.

Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the FIR in question. Hence, application is made absolute in terms of prayer clause (b). As the police machinery was put into motion by the parties to settle their private disputes as a corollary of differences of opinion amongst them, we find it would be appropriate to saddle the Applicants with the cost of Rs.5,000/- each, which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within the stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est* and the Registry shall inform the concerned Police Station about the non compliance.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]