

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 247 OF 2015**

Subhash Kanti Sathaliya and Anr. ..Applicants.

*Versus*

State of Maharashtra & anr. ..Respondents.

Mr. R. Shetty for the Applicants.

Mrs. Vidya A. Shetty for Respondent No. 2.

Mrs. P. H. Kantharia, learned APP for the State.

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

Date : **April 7, 2015.**

P. C. :

1. This is application under section 482 of the Code of Criminal Procedure, 1973 , seeking to quash the FIR / CR No. 1 of 2013 registered with Navghar Police Station, Mulund. The said FIR is registered against the Applicants at the instance of Respondent No.2 for the offence punishable under sections 467 and 420 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that the Applicants and Respondent No.2 are closely related. Applicant No.1 is the son whereas Applicant No.2 is the daughter-in-law of Respondent No.2. They submitted that

misunderstanding between the family members gave rise to the filing of above FIR. They submitted that during the pendency of investigation, parties have settled their differences and pursuant to the understanding arrived at between them, the Applicants have filed present application for quashing the abovestated FIR, by consent. The learned Counsel submitted that in the interest of justice and as the parties wish to put at rest the differences and have decided to have good relations with each other, the above FIR deserves to be quashed.

3. In the present application Respondent No.2 has filed an affidavit dated 19<sup>th</sup> March 2015 wherein he has stated that he is not interested in continuing with the criminal prosecution of his family members as they are having cordial relations with each other. He has solemnly affirmed that he has no objection for quashing FIR in question filed by him against the Applicants.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question lodged by

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 criminal proceedings. Accordingly, application is allowed in terms of prayer clause (a).

**[SMT. ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**