

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1444 OF 2015

Virednra V. Jhamb and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Rahul S. Kulkarni for the Petitioners.

Mrs. M. H. Mhatre, learned APP for the State.

Mr. Abhaysingh Shinde for Respondent No. 2.

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

Date : **July 8, 2015.**

P. C. :

1. By this writ petition, invoking the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973 , the Petitioners have sought to quash the FIR bearing No. 253 of 2014 registered at Chakan Police Station against them at the instance of Respondent No.2. The allegations made in the FIR for the offence punishable under section 342, 427 and 506 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, with the help and intervention of friends and well-wishers, the parties amicably settled

their differences by way of mutual settlement and pursuant to the said understanding arrived at, present petition is filed for quashing the above FIR, by consent of Respondent No. 2- original complainant.

3. Respondent No.2 has sworn an affidavit dated 7th April 2015. In paragraphs 5, 6 and 7 of the said affidavit, he has stated that he is not interested in continuing with the criminal prosecution of the Petitioners and has further solemnly affirmed that he has no objection for quashing the proceedings of the FIR filed by him against the Petitioners.

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 filed by him against the Petitioners.

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. Consequently, the petition is allowed in terms of prayer clause (b). However, we find it would be appropriate to saddle the the Petitioners 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 Petitioners 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 stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]