

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 374 OF 2015

Chirag Khushalchand Dedhia
and Another.

..Applicants.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. P. A. Sarwankar i/b Sarwankar & Co., for the Applicants.
Ms. Shivangi J. Rajak for Respondent No. 2.
Ms. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **June 24, 2015.**

P. C. :

1. This is an application under the provisions of section 482 of the Code of Criminal Procedure, 1973, whereby the Applicants are seeking to quash FIR No.122 of 2015 registered with Dongri Police Station against them. Said FIR is registered at the instance of Respondent No.2 for the alleged commission of the offence punishable under sections 420, 406 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 friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the same, present application is filed for

quashing the above FIR, by consent of Respondent No. 2.

3. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 has filed an affidavit dated 24th June 2015. In paragraph 3 and 4 of the said affidavit, he has stated that he has settled the disputes amicably with the Applicants and has no objection for quashing the proceedings of the said FIR.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she 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 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 said FIR and consequent 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 above FIR. Hence, application is allowed in terms of prayer clause (a).

7. As the police machinery was put into motion by the parties to settle their private disputes as a corollary of differences of opinion between them, we find it would be appropriate to saddle the Applicants with the cost of Rs.25,000/-, 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 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, application shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est* and Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police shall proceed against the Applicants in accordance with law.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]