

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 496 OF 2015

Tanmay Manohar Shinde

....Applicant/
Accused

versus

1.The State of Maharashtra
2. Shyam Vasant Kudav
3. Vasant Ladu Kudav

....Respondents

Mr. Eknath V. Sawant, advocate for the applicant.

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

Ms. Bijal Mehta, advocate for respondent Nos. 2 and 3.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 29th JULY, 2015.

P.C.:

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside FIR bearing C.R.No.79 of 2015 registered with Meghwadi Police Station, Mumbai, at the instance of respondent No.2, for offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860.

3. Pending investigation, the parties have settled their dispute amicably and have approached this Court for quashing and setting-aside

the subject FIR. Respondent No.2-first informant as well as Respondent No.3-injured witness have filed a common affidavit dated 18th May, 2015. In paragraph 5, they have given their no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. Respondent No.3 is the father of respondent No.2 and he could not remain present before the Court due to old age and illness. Medical certificate to that effect is also placed on record. On being questioned, respondent No.2 specifically stated that whatever has been stated in the affidavit is true and correct and he as well as respondent No.3-injured witness have no objection for quashing and setting-aside the subject FIR.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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. In that view of the matter and in the interests of justice, the FIR is required to be quashed. 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by the applicant. The applicant shall deposit the costs with “**Tata Memorial Hospital, Mumbai**”, and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)