

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2311 OF 2015

Tejas Mahendra Shah

..Petitioner

Versus

1. Sanjay Sheetla Prasad Singh

2. Aparna Sanjay Singh

3. The State of Maharashtra

..Respondents

Ms. Meghna Gowalani i/b. Mr. Rahul Tripathi, advocate for the petitioner.

Mr. Subhash Jha, advocate for respondent Nos. 1 and 2.

Ms. U. V. Kejriwal, APP for the State.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 4th SEPTEMBER, 2015.

P. C. :

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

2. The petition is filed under Article 226 of the Constitution of India for quashing and setting-aside the FIR bearing C.R. No.343 of 2014 registered with Dahisar Police Station, at the instance of respondent No.1, for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding

arrived at between them, filed the instant petition for quashing the proceedings of the subject FIR by consent. Respondent No.1 has filed an affidavit dated 22nd June, 2015. In paragraph 3 therein, he has stated that the dispute between the parties is settled amicably and he has no objection if the subject FIR is quashed and set-aside. Respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

3. 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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab** **[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. 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.

4. Accordingly, the the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the petitioner to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said

costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

5. Subject to above, the writ petition is disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]