

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2312 OF 2015

Pramod s/o Mama Pandey. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. A. M. Sarogi for the Petitioner.
Mrs. U. V. Kejriwal, learned APP for the State.
Ms. Amreen Mansuri i/b Ajay Law for Respondent No. 2.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **June 18, 2015.**

P. C. :

1. Heard. This petition is filed under Article 226 of the Constitution of India and also invoking the jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973, seeking to quash FIR No.99 of 2015 registered with Cuff Parade Police Station at the instance of Respondent No.2 against the Petitioner for the offence punishable under section 408 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into aforesaid FIR, with the intervention of friends and well-wishers, the parties amicably have settled their differences by way of mutual settlement and

entered into MoU. Pursuant to the same, present petition is filed for quashing the above FIR, by consent of Respondent No.2. Learned Counsel appearing for the Petitioner submitted that in terms of the said MoU, the Petitioner has today handed over a Pay Order of Rs.57 lacs to Respondent No.2 and a photocopy of the same is at page 20. Respondent No.2, who is personally present in the Court states that he has received the Pay Order and that the FIR lodged by him against the Petitioner may be quashed.

3. Respondent No.2 has sworn an affidavit dated 18th June 2015. In paragraph 3 of the said affidavit, he has stated that in view of the settlement between the parties, he has no objection for quashing the proceedings of the FIR No. 99 of 2015.

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 initiated by him against the Petitioner for the offence punishable under sections 408 of the Indian Penal Code, 1860.

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 I question.

7. Accordingly, writ petition is absolute in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner

with the cost of Rs.10,000/-, 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 Petitioner 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 proceedings/FIR shall be treated as *non-est*. The 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 Petitioner in accordance with law.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]