

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 595 OF 2015**

Manoj Bhatia and Others.

..Applicants.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Prasana Bhangale i/b V. R. Sutaria for the Applicant.

Mr. Niranjan Mundargi i/b Omkar Mulekar for Respondent No. 2.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &  
K.R.SHRIRAM, JJ.

Date : **August 6, 2015.**

P. C. :

1. Heard learned Counsel appearing for the respective parties.

2. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash FIR bearing No.29 of 2005 registered with EoW Unit-V, Mumbai, which was originally registered at Azad Maidan Police Station, being FIR No. 59 of 2015. The said FIR is registered against the Applicants at the instance of Respondent No.2. The gravamen of allegations against the Applicants is the commission of offence punishable under sections 409 and 420 read with 120B of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective

parties submitted that during the pendency of investigation into said FIR, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between the parties, present application is filed for quashing the above FIR, by consent of original complainant - Respondent No. 2 herein.

4. Respondent No.2 has filed affidavit dated 3<sup>rd</sup> July 2015. In paragraph 4 and 5 of the said affidavit, he has stated that he is not interested in continuing with the criminal prosecution of the Applicants in FIR No.59 of 2015. He has solemnly affirmed that he has no objection for quashing the subject FIR registered at his instance against the Applicants.

5. 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 lodged by him against the Applicants for the offence punishable under sections 409 and 420 read with 120B of the Indian Penal Code, 1860.

6. 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 FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

7. 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 subject FIR. Accordingly, application is allowed 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 Applicants with the cost of Rs.50,000/-, 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 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, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-*

*est.* 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.

**[K. R. SHRIRAM, J.]**

**[RANJIT MORE, J.]**