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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.716 OF 2014

1. Javed Mobin Khan,
 2. Abeeda Noor Mohammed Shaikh,
 3. Sunil Jagannath Chorge,
 4. Dhanajay Baijnath Kamdar
- ..Applicants.

V/s.

1. State of Maharashtra
 2. Bipin Pravinchandra Dholakia
- ..Respondents.

Mr.S.S.Redekar for the applicants.

Mrs. U.V.Kejriwal, A.P.P. for the respondent-State.

Mr.V.B. Shukla, for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 26TH AUGUST, 2015

P.C. :-

1. Not on board. Upon mentioning, taken on board.
2. Heard learned counsel for the applicants, the learned counsel for respondent No.2 and the learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing F.I.R. bearing C.R. No.I-236/2011 registered with Nallasopara Police Station, Vasai, District Thane at the instance of respondent No2 against the

applicants for the offences punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. Pending the investigation, the parties have approached this Court for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No.2 has filed an affidavit dated 17th December, 2014. In para 4 he has stated that he has no objection if the F.I.R. bearing No.236/11 is quashed. The complainant-respondent No.2 is personally present before the Court. The complainant is identified by his Advocate. On being questioned, respondent No.2 stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection to quash the F.I.R. He also stated that he is giving no objection for quashing the said F.I.R. out of free will and without there being any pressure or coercion.

4. 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 offence. 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 **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. In that view of the matter and in the interests of justice, the criminal proceedings are 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 made absolute in terms of prayer clause (a) subject to payment of cost by the applicants of Rs.10,000/- to be deposited with Central Police Welfare Fund, A/C.914010029005759 Axis Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)