

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 686 OF 2015

1. Dilip Shivaji Sonawane
2. Kabir Naresh Gaikwad
3. Satyajit Naresh Gaikwad
4. Shivaji Ganpat Ubale
5. Kapil Ashok Gaikwad
6. Kunal Ashok Gaikwad
7. Bunt @Siddhart Bharat Jadhav
8. Takku @ Ramesh Malesh Chavadi
9. Aditya Yashwant Gaikwad
10. Mahendra Govind Gaikwad

....Petitioners

versus

1. The State of Maharashtra
2. Charan Sudam Rasal

....Respondents

Mr. Satyajeet H. Joshi, advocate for the petitioners.
Mrs. U. V. Kejriwal, APP for the State.
Mr. B. G. Tangsali, advocate for respondent No.2.

**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 No.I-127 of 2015 registered with Ambernath Police Station, District - Thane at the instance of respondent No.2, for offences punishable under Sections

323, 324, 326, 352, 142, 143, 147, 148, and 149 of the Indian Penal Code, 1860 and Sections 37(1)(2)(3) and 135 of the Bombay Police Act, 1951.

2. Pending investigation, the parties have settled their dispute amicably and have approached this Court for quashing and setting-aside the aforesaid FIR. Respondent No.2/original complainant as well as injured witnesses have filed their respective affidavits dated 17th July, 2015 and 28th July, 2015 wherein they have given their no objection for quashing aforesaid FIR. Respondent No.2 and the injured witnesses are personally present before the Court. On being questioned, they specifically stated that whatever has been stated in their respective affidavits is true and correct and they have no objection for quashing the subject FIR.

3. 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.

4. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20000/- by the applicants. The applicants shall deposit the costs with “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients 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.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)