

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2846 OF 2015

Vijay Shyamsunder Agarwal	... Petitioner
Vs.	
State of Maharashtra and another	... Respondents

Mr. Dilip Rai i/b. Ms Aruna Singh for Petitioner.
Mr. J. P. Yagnik, APP for Respondent No.1-State.
Mr. Balwant Salunkhe for Respondent No.2.

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

Date : 03rd SEPTEMBER, 2015.

PC:

Heard Mr. Rai, learned Counsel for petitioner, Mr. Yagnik, learned APP for respondent No.1-State and Mr. Salunkhe, learned Counsel for respondent No.2.

2. This Petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside F.I.R. bearing C.R.No.I-227 of 2015 registered at Naupada Police Station, Thane at the instance of respondent No.2 for the offences punishable under Sections 354, 504 and 506 of the Indian Penal Code, 1860 and Section 3(1)(x) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

3. Pending investigation, parties settled their disputes amicably and have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 has filed affidavit dated 03.09.2015. Copy of the settlement terms is annexed to the affidavit. The affidavit discloses that the parties have settled their dispute and therefore, respondent No.2 is not willing to proceed with the subject F.I.R. In paragraph 3 of the affidavit, she has given no objection to quash the subject F.I.R.

4. Respondent No.2 is personally present before the Court. On specific query, she stated that the contents of the affidavit have been explained to her in vernacular. She also states that she has no objection to quash the subject F.I.R.

5. It can thus be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear 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 and others vs. State of Punjab and another*, **2014 AIR (SCW) 2065**, we are of the view 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.

6. The petition is, accordingly, allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the petitioner. The petitioner shall pay the said cost to Kirtikar Law Library and produce receipt thereof on the file of this Court within a period of two weeks from today, failing which, the Petition shall stand dismissed automatically without further reference to the Court.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

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