

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 750 OF 2015

Mr. Narayan Kanahi Gauda	..Applicant
Versus	
1. The State of Maharashtra	
2. Mr. Subhash Satyawadi Sabat	..Respondents

Mr. S. R. Dubey, advocate for the applicant.
Mrs. R. M. Gadhavi, APP for the State.
Mr. Ajay Dubey i/b. Mr. Satish S. Adsul, advocate for respondent No.2.

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

DATE : 29th OCTOBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR No.230 of 2015 registered with Parksite Police Station, at the instance of respondent No.2, for the offences punishable under Sections 326, 324, 506(II) and 504 of the Indian Penal Code, 1860.

3. Pending the investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding

arrived at between them, filed the instant application for quashing the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 1st October, 2015. In paragraph 5, he has stated that he has no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

3. 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. 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. 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 FIR No.230 of 2015 registered with Parksite Police Station, at the instance of respondent No.2, for the offences punishable under Sections 326, 324, 506(II) and 504 of the Indian Penal Code, 1860 is quashed and set-aside subject to payment of cost of Rs.10,000/- by the applicant to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicant shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four 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.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]