

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 769 OF 2015

Marmohan Singh Chandhok and Another. ..Applicants.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Sonal Parab i/b Rajeev Sawant & Associates for the Applicants.

P. K. Iyer and Deepika 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. This application is taken out under the provisions of sections 482 of the Code of Criminal Procedure, 1973 , seeking to quash FIR No. 67 of 2015 registered with Kanjur Marg Police Station at the instance of Respondent No. 2. The gravamen of allegations is the commission of offences punishable under sections 420, 464, 465, 468, 471, 474 read with 120-B of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the Applicant submitted that initially this application was filed for quashing the subject FIR on merits, however, now the Applicants are seeking quashment by consent.

3 The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and entered into consent terms and in pursuance of the same, the Applicants are seeking quashing of the above FIR by consent of Respondent No.2.

4. Consent terms are signed by the Applicants and Respondent No. 2 as well as by their respective advocates. The Applicants and Respondent No. 2 are personally present in the Court. On specific query they confirmed the contents of the consent terms. In that view of the matter, consent terms are taken on record and marked "X" for identification.

5. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 has filed an affidavit dated 6th August 2015. In paragraph 4 of the said affidavit, he has stated that he has no objection for quashing the FIR No.67 of 2015 registered with Kanjur Marg Police Station at his instance against the Applicants.

6. Respondent No.2 is personally present before the Court. He submitted that dispute between himself and the Applicants have been settled amicably. Further 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 registered at his instance against the Applicants for the offence punishable under sections 420, 464, 465, 468, 471, 474 read with 120B of the Indian Penal Code, 1860.

7. 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.

8. 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 FIR in question. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.25,000/- each, 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.]