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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3325 OF 2015

1. Ashok Damodar Ghuge,
 2. Maruti Sahebrao Bade,
 3. Maruti Bhimrao Garje,
 4. Tukaram Pandurang Chaudhar,
 5. Vikram Uttamrao Gite
- ..Petitioners.

V/s.

1. State of Maharashtra
 2. Smt. Vijaya Prabhakar Dhakne
- ..Respondents.

Ms.S.H. Rajak for the petitioners.
Mrs.P.H.Kantharia, A.P.P. for the respondent-State.
Mr.Amar Bhatt for respondent No.2.

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

DATED : 26TH AUGUST, 2015

P.C. :-

1. Heard learned counsel for the petitioners, the learned counsel for respondent No.2 and the learned A.P.P. for the State.\

2. This petition is filed under the provisions of Article 226 of the Constitution of India for quashing F.I.R. bearing C.R. No.I-121/2015 registered Khandeshwar Police Station, Navi Mumbai at the instance of respondent No.2 against the petitioners for the

offences punishable under Sections 354, 143, 147, 149, 313, 504 and 506 read with Section 34 of the Indian Penal Code.

3. Pending the investigation, the parties have approached this Court for quashing the proceedings of the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No.2 as well as the aggrieved persons Aatish Prabhakar Dhakne, Mrs.Mangal Mohan Dhakne and Prabhakar Dagdu Dhakne have filed an affidavits dated 25th and 26th August, 2015. By these affidavits they have stated that they have no objection if the subject F.I.R. bearing No.I-121/15 is quashed. The respondent No2 as well as the aggrieved persons are personally present before the Court. They are identified by their Advocate. On being questioned, they have specifically stated that they have gone through their affidavits and have fully understood the contents thereof and have no objection to quash the F.I.R. They have also stated that they are 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 petition is made absolute in terms of prayer clause (a) subject to payment of cost of Rs.5,000/- by the petitioners, to be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which the petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)