

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3337 OF 2015

Vivekanand Shridhar Bhandarkar	..Petitioner
Versus	
1.The State of Maharashtra	
2.Dr. Smt. Shalima Gautam	..Respondents

Mr. J. S. Kini i/b. Mr. Suresh Dubey, advocate for the petitioner.
Mrs. M. M. Deshmukh, APP for the State.
Mr. S. B. Chandan, advocate for respondent No.2.

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

DATE : 4th SEPTEMBER, 2015.

P. C. :

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

2. The petition is filed under Article 227 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R.No.192 of 2015 registered with Rabodi Police Station, Thane, at the instance of respondent No.2, for the offence punishable under Section 420 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the

subject FIR by consent. Respondent No.2 has filed an affidavit. In paragraph 2 of the said affidavit, she has stated that she has received an amount of Rs.2,00,000/- by way of demand draft, a copy of which is annexed to the affidavit. In that view of the matter, she has stated in paragraph 3 of the affidavit that she has no objection if the subject FIR is quashed and set-aside.

4. Mrs. Kejriwal, learned APP having taken instructions from the officer concerned viz. Mr. N. R. Mahadik, API, Rabodi Police Station, Thane, stated that the statement of respondent No.2 is recorded. She placed on record, a copy of the said statement. The statement reveals that respondent No.2 has received an amount of Rs.2,00,000/- and she, therefore, has no grievance against the petitioner.

5. Learned counsel for respondent No.2 also submitted that the petition may be allowed as the dispute between the parties is settled amicably.

6. 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 that view of the matter, 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.

7. Accordingly, the subject FIR bearing C.R.No.192 of 2015 registered with Rabodi Police Station, Thane, is quashed and set-aside subject to payment of costs of Rs.5000/-, or in the alternative, donating books worth Rs.5000/- to the **“Kirtikar Law Library”** by the petitioner. The petitioner shall produce the receipt in respect of the costs/donation thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

8. Subject to above, the criminal writ petition stands disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]