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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3409 OF 2015

Rohan Suketu Jhaveri

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Ayaz Khan for the petitioner.

Mr.J.P.Yagnik, A.P.P. for the respondent-State.

Mr.Gorakh Liman for respondent No.2.

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

DATED : 26TH AUGUST, 2015

P.C. :-

1. Heard learned counsel for the petitioner, the learned counsel for respondent No.2 and the learned A.P.P. for the State. This application is filed under the provisions of under Article 226 of the Constitution of India for quashing F.I.R. bearing C.R.No. 134/2015 registered with Marine Drive Police Station, Mumbai at the instance of respondent No.2 against the petitioner and another accused by name Prince Khanna for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code.

2. Pending investigation, the parties have approached this Court for quashing the criminal proceedings in the subject F.I.R.

against the present petitioner by consent since they have amicably settled their dispute. Respondent No.2 has filed an affidavit dated 26th August, 2015. In para 4, he has stated that he has no objection if the F.I.R. bearing No.134/2015 is quashed qua the petitioner. The complainant-respondent No.2 is personally present before the Court. The complainant is identified by his Advocate. Respondent No.2 has specifically stated that he has no objection to quash the subject F.I.R. qua the petitioner. On being questioned, respondent No.2 specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection to quash the F.I.R. qua the petitioner. He also stated that he is giving no objection for quashing the said F.I.R. against the petitioner 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. 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 against the petitioner pending

except burdening the criminal Courts which are already overburdened. In that view of the matter and looking at the age of the petitioner, who is 18 years old and a student, it would be in the interests of justice, if the criminal proceedings against the petitioner are quashed and set aside. 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 bearing C.R.No.134/15 as against the petitioner is quashed subject to payment of cost of Rs.5,000/- by the petitioner, to be deposited with Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court.

5. It is made clear that we have not quashed the FIR bearing C.R. No.134/15 registered with the Marine Drive Police Station, Mumbai against the accused No.2 Prince Khanna.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)