

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3556 OF 2015

1 Mr. Yusuf A. Shaikh	
2 Mr. Ramchandra J. Vaishnav	..Petitioners.
<u>Versus</u>	
The State of Maharashtra & Anr.	..Respondents.

Mr. Jitendra Ranawat with Mr. D.S.Jain, advocates for petitioners.
Mrs. S.V.Sonavane, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.
Date : **16th September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2 This joint petition is filed by accused no.2 and complainant under Article 227 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the F.I.R. bearing C.R.No.I-54 of 2014 registered with Mira Road Police Station at the instance of petitioner no.2 against petitioner no.1 and one Shri Bhalchandra Atmaram Thakur for the offences punishable under Sections 406, 418, 420, 463 and 471 read with Section 34 of the Indian Penal

Code, 1860.

3 Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject FIR by consent. Petitioner No.2-Original Complainant has filed an affidavit dated 31st August, 2015. In paragraph 8 of this affidavit, he has stated that the dispute between himself and the petitioner no.1 has been amicably resolved. In paragraph 10 of the affidavit, he has stated that he is giving the said affidavit for quashing the subject F.I.R. as against the petitioner no.1 without any undue influence, coercion or pressure on him and on his own free will. Petitioner Nos.1 (Accused No.2 and Petitioner No.2 (Original Complainant) are personally present in this Court. On specific query, petitioner no.2 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 qua petitioner no.1 only. 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 petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- to be paid by petitioner no.1 only to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. The Petitioner No.1 shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

5 It is made clear that we have not quashed the subject F.I.R. as against Mr. Bhalchandra Atmaram Thakur who is accused no.1. Investigation into the subject F.I.R. as against Mr. Bhalchandra Atmaram Thakur shall be continued.

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

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.