

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3681 OF 2015**

1. Deepak Pralhad Salunke	Vs	Petitioner.
1.The State of Maharashtra; 2.Smt. Karishma Karim Khakiyani.		Respondents

Mr. Ranjeet Patil, Advocate for Petitioner.
Mrs. M.H.Mhatre, A.P.P. for Respondent no.1-State.
Mr.S.V.Shirsat, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 09th OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P. appearing for the respective parties.
2. This petition is filed invoking the provisions of Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing FIR, bearing C.R.No.145/2015 registered with Tardeo Police Station, Mumbai against the petitioner at the instance of respondent No.2, for offences punishable under Section 354 (A) of the Indian Penal Code, 1860.
3. Pending investigation, the parties settled their dispute amicably and pursuant to 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 dated 9.10.2015. In paragraph 4, she has given no objection for quashing

and setting aside the subject F.I.R against the petitioner. Respondent no.2 who is personally present in Court, confirms the contents of the affidavit and stated that whatever has been stated in the affidavit is true and correct, and on our specific query, she states that she has no objection if the subject FIR is quashed and set aside against the petitioner.

4. It can, thus, be seen that the dispute was personal in nature, which has now been settled amicably. From perusal of the complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the case. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and Ors. versus State of Punjab and Anr. 2014 AIR (SCW) 2065**, we find that no purpose would be served by keeping the proceedings of subject FIR pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the subject FIR is required to be 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.

5. Accordingly, Petition is allowed in terms of prayer clause (a). subject to payment of costs of Rs.5000/- by the petitioner. The

petitioner shall deposit the costs with Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. 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 order.