

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1036 OF 2015

Navin Khandelwal and Ors.

..Applicants.

Versus

Krishan Kumar Shreenivas Kedia
and Ors.

..Respondents.

Mr. N.S.Mundargi, advocate for applicants.

Mr. Avinash Avhad, advocate for respondent no.1.

Mr. K.V.Saste, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : 29th September, 2015.

P. C. :

Heard learned counsel appearing for the respective parties.

2 This application is filed invoking 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.77 of 2014 registered with EOW , Unit IX, Crime Branch, Mumbai at the instance of respondent no.1 for an offence punishable under Section 406 read with Section 34 of the Indian Penal Code, 1860.

3 Pending investigation, parties settled their disputes amicably and in pursuance of understanding arrived at between them have approached this Court for quashing the subject F.I.R. by

consent.

4 Respondent no.1 has filed affidavit. Memorandum of Understanding/Consent Terms are annexed to this affidavit. In paragraph 2 of the affidavit, the first respondent has made statement that dispute between himself and the applicants has been settled amicably and the Memorandum of Understanding is entered into on 28.9.2015. In paragraph 5, he has given no objection to quash the proceedings of the subject F.I.R. Respondent no.1 is present in person. He confirms the contents of the affidavit. On specific query, he states that dispute between himself and the applicants is settled amicably and he has no objection to quash the proceedings of the subject F.I.R.

5 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.

6 Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the applicants to the **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

7 Subject to above, the criminal application stands disposed of.

8 At this stage, Mr. Mundargi the learned counsel for applicants makes a statement that applicant no.1 was arrested in the subject F.I.R. and at present lodged in Taloja Jail, Navi Mumbai. Since the subject F.I.R. is quashed, respondent no.3 is directed to release applicant no.1 forthwith if not required in any other offence.

9 It is also made clear that if any look out notice concerning the subject F.I.R. against any applicant is issued then the same shall stand cancelled.

Parties to act on an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

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