

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3921 OF 2015

Sunil Kantimohan Khanna ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Mr. Pranav Badheka i/b. Mr. Prashant B. Pawar for Petitioner.
Mr. K. V. Saste, APP for Respondent No.1-State.
Mr. S. N. Raj for Respondent No.2.

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

DATE : 01ST OCTOBER, 2015.

PC:

Heard learned Counsel appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing and setting aside the FIR bearing C.R. No.122 of 2015 registered with Colaba Police Station, Mumbai. The said FIR was registered against the petitioner at the instance of respondent No.2 for the offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860 (for short “the IPC”).

3. Pending investigation, parties settled their disputes amicably and have approached this Court for quashing the subject F.I.R. by consent. In

terms of the settlement, petitioner has paid an amount of Rs.40,000/- to the respondent No.2 by way of compensation. Respondent No.2 had sustained fracture in the accident, which resulted in registration of the subject FIR. Respondent No.2, who is in Navy, was treated in Navy Hospital. Respondent No.2 has filed affidavit dated 29.09.2015. In paragraph 5, he has given no objection to quash the subject FIR. Respondent No.2 is personally present before the Court. On specific query, he stated that he has received an amount of Rs.40,000/- from the petitioner, and therefore, has no objection to quash the subject F.I.R.

4. It can thus be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear 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 and others vs. State of Punjab and another*, **2014 AIR (SCW) 2065**, we are of the view that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. 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. The petition is, accordingly, allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioner. The petitioner shall pay the said cost to Kirtikar Law Library and produce receipt thereof on the file of this Court within a period of two weeks from today, failing which, the Petition shall stand dismissed automatically without further reference to the Court.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

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CERTIFICATE

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