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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4003 OF 2015

Max New York Life Insurance Co. Ltd. and Anr. ..Petitioners.
V/s.
State of Maharashtra and Anr. ..Respondents.

Mr.M.S.Mohite i/b. A.A.Patankar for the petitioners.
Mrs.M.M.Deshmukh, APP for respondent-State.
Mr.J.J.Bardekar for respondent No.2.

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

DATED : 30TH NOVEMBER, 2015

P.C. :-

1. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned A.P.P. for the State. This petition is filed under Article 226 of the Constitution of India and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. No.46/16 registered with Chaturshrungi police station, Pune at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code.

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

since they have amicably arrived at a settlement between them. Respondent No.2 has filed an affidavit dated 25th October, 2015. In paragraph 5, he has stated that he has no objection if the subject F.I.R. is quashed. Respondent No.2 is personally present before the Court. He is identified by his Advocate. 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 if the subject F.I.R. is quashed against the petitioner as well as the other accused. He also stated that he is giving no objection for quashing the subject F.I.R. 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 V/s. 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. In that view of the matter and in the interests of justice, the subject F.I.R. is 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.

4. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of cost to be paid by the petitioners. The cost quantified at Rs.10,000/- is to be paid by the petitioners to the Kirtikar Bar Library and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)