

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4113 OF 2015**

1. Mr.Saurabh Surana; Petitioners.
2. Mr Gaurav Surana;
3. Smt Manjudevi Surana;
4. Smt Sheetal Saurabh
Surana.

Vs

1. The State of Maharashtra;
and .. Respondents
2. Mr. Surendrakumar
Sampatrai Surana.

Mr.V.U.Shakoor, Advocate for Petitioners.
Mr. K.V.Saste, A.P.P for Respondent no.1-State.
Mr.J.G. Shetty, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 21st OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P appearing for the respective parties.

2. This is a petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, whereby the Petitioners have sought to quash and set aside FIR No.461/2015 registered with Khar Police Station against the petitioners. The said FIR is registered at the instance of Respondent No.2, leveling accusations of the commission of offence punishable under sections 379, 406, 420 read with section 34 of the Indian Penal Code, 1860.

3. Petitioners no.1 and 2 are the sons of respondent no.2. Petitioner no.3 is the wife of respondent no.2 and petitioner no.4 is the daughter-in-law of respondent no.2. Pending investigation,

parties have settled their disputes amicably. In terms of the understanding arrived at between the parties, they have approached this Court for quashing and setting aside the subject FIR by consent.

4. Respondent No.2-original complainant has filed an affidavit dated 12.10.2015. In paragraph 3, he states that respondent no.2 and the petitioners have no claims of whatsoever nature against each other in respect of the properties as dispute was of a civil nature and in that no public policy involved and which is settled between both of them as per the Deed of Family Arrangement which is signed and executed by all the parties on 6.10.2015. In paragraph 5, he has given no objection for quashing and setting aside the subject FIR. Respondent no.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit. He confirms the contents of the affidavit. He states that he has no objection if the subject FIR is quashed and set-aside.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. 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 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 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.

6. In the result, the Petition is allowed in terms of prayer clause (i). F.I.R. No.461/2015 dated 18.9.2015 registered with Khar Police Station under sections 379, 406, 420 read with 34 of Indian Penal Code is quashed and set aside, subject to payment of costs of Rs.5000/- by the petitioners.

7. The petitioners shall deposit the costs of Rs.5000/- with Kirtikar Law Library, High Court, Mumbai and thereafter produce 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.

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

(R.G.KETKAR, J.)

(RANJIT MORE,J.)