

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1167 OF 2015

Chandamiya Israel Malik.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. K. S. Garg for the Applicant.

Mrs. M. H. Mhatre, learned APP for the State.

Mr. Ashish Dubey for Respondent No. 2.

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

Date : **October 27, 2015.**

P. C. :

1. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash and set aside FIR/CR.No. 305 of 2015 registered against him with Meghwadi Police Station. The said FIR came to be registered at the instance of Respondent No.2. The allegation pertains to the commission of offence punishable under sections 324 and 504 of IPC.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant application is filed for quashing the above

FIR, by consent of Respondent No.2 – original complainant.

3. Affidavit dated 27th October 2015 has been filed by Respondent No.2, wherein he has stated that he is not interested in continuing with the criminal prosecution of Applicant in view of the amicable settlement of issues/disputes with the parties. He has solemnly affirmed that he is withdrawing all the allegations made against the Applicant in the FIR and that he has no objection for quashing the FIR in question.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question initiated by him against the Applicant, being FIR No. 305 of 2015 registered with Meghwadi Police Station.

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 the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4

SCC 582], we find that no purpose would be served by keeping the FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR.

7. Accordingly, application is allowed in terms of prayer clause (b). In the facts and circumstances, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/-, which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]