

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4294 OF 2015**

- | | |
|-------------------------------------|----------------|
| 1. Mr. Manish@ Mahesh Bhupat
Oza | Petitioner. |
| 2. Abasaheb Ragunath Jadhav; | |
| Vs | |
| 1. The State of Maharashtra; | |
| 2. Mr.Ashish Pravin Bhalerao | .. Respondents |

Mr. Rakesh Kumar, with Mr. Puneet Shukla i/b MKS Legal Asso,
Advocates for the petitioner.

Mr.K.V.Saste, A.P.P for Respondent no.1-State.

Mr.Pramod R Kalwar, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 28th OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P appearing for the respective parties.
2. This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside F.I.R, bearing C.R.No.287/2014 registered with Kalachowki Police Station against the petitioners at the instance of respondent No.2 for offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, 1860.
3. Pending investigation, the parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent. Respondent no.2-original

complainant as well as aggrieved persons namely Santaram Tupe, Amol Arvind Dhekle and Nitin Udhav Hande have filed separate affidavits. In these affidavits, they have stated that the dispute is of civil nature and they have settled the dispute between the parties and they have received money. They have given consent for quashing the subject FIR. Respondent no.2 as well said aggrieved persons are personally present in the Court and confirm the contents of the affidavits and stated that whatever has been stated in the affidavits is true and correct, and on our specific query, they state that they have no objection if the subject FIR is quashed and set aside against the petitioner.

4. It can, thus, be seen that the dispute is of civil nature nature, which has now been settled amicably between the parties. From perusal of the complaint, it transpires that the allegations are personal in nature. There is no element of public law involved in the case. 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.

5. Accordingly, Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the petitioners. The petitioners shall pay costs of Rs.50,000/- to **Shanti Avedna Sadan**, an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the petitioners 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 costs and produce receipt within stipulated time, Petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the Petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)