

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 1232 OF 2015**

Rishi Arora.

..Applicant.

Versus

Hargovind Karsandas Vithalani  
and Another.

..Respondents.

Ms. Prabha Badadare for the Applicant.  
Mr. S. V. Marwadi for Respondent No. 1.  
Mr. K. V. Saste, learned APP for the State.

Coram : Ranjit More &  
Dr.(Smt) S. S. Phansalkar-Joshi, JJ.

Date : **November 23, 2015.**

P. C. :

1. By this application under section 482 of the Code of Criminal Procedure, 1973 , the Applicant is seeking to quash FIR, being MECR No. 9 of 2012 registered with Marine Drive Police Station, Mumbai. The said FIR is registered at the instance of Respondent No.1. The allegations against the Applicant in the said FIR is regarding the commission of offence punishable under sections 418, 420, 406, 120(B) and 114 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, 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 original complainant - Respondent No. 1 herein.

3. Respondent No.1 has filed an affidavit before this Court, wherein he has stated that matter is amicably settled and that he is not interested in continuing with the criminal prosecution of the Applicant. He has solemnly affirmed that he has no objection for quashing the FIR in question.

4. Respondent No.1 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 as against the Applicant as well as other against other persons named in his FIR.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, 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 subject FIR pending 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. Accordingly, application is allowed in terms of prayer clause (b). However in the fact and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.10,000/-, 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 FIR shall be treated as *non-est*.

**[Dr. (Smt.) S. S. Phansalkar-Joshi, J.]**

**[RANJIT MORE, J.]**