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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4523 OF 2015

Mrs.Ashunta Monteriro

..Petitioner.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Jitesh Nishad i/b. Mr.A.M.Saraogi for the petitioner.

Mrs.S.V.Sonavane, APP for respondent-State.

Mr.S.B.Shetye i/b. Vishali Choudhari for respondent No.2.

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

DATED : 2ND DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the petitioner, learned counsel for respondent No. and learned A.P.P. for the State. This petition is filed under Article 226 of the Constitution of India for quashing the subject F.I.R. bearing No.55/2015 registered with Dadar police station, Mumbai at the instance of respondent No.2 against the petitioner for the offences punishable under Sections 324, 504, 506 of the Indian Penal Code.

2. Pending investigation, the parties approached this Court for quashing the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No.2 has filed an

affidavit dated 24th November, 2015. In paragraph 2, she states that she has no objection if the subject F.I.R. is quashed. Respondent 2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 has specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also stated that she 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 costs of Rs.5,000/- by the petitioners to Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand automatically dismissed without further reference to the Court.

5. Subject to the above, the writ petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)