

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4572 OF 2015

Deva Pukhraj Gehalot.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Viram Chavan for the Petitioner.

Mr. R. S. Kohli for Respondent No. 2.

Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **December 1, 2015.**

P. C. :

1. By this writ petition under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the Petitioner is seeking to quash FIR bearing CR. No.II-46 of 2015 registered with Ulhasnagar Police Station, Thane. The said FIR came to be registered at the instance of Respondent No.2. The allegations levelled against the Petitioner in the said FIR are for the offence punishable under sections 506(II) and 507 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, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences and pursuant to the

understanding arrived at between them, the instant petition is filed for quashing the above FIR, by consent of Respondent No.2.

3. Respondent No.2 has filed an affidavit before us wherein he has stated that he is not interested in continuing with the criminal prosecution of Petitioner. He has solemnly affirmed that he is withdrawing all the allegations made against the Petitioner 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 lodged by him against the Petitioner.

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. 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 FIR in question. Accordingly, petition is made absolute in terms of prayer clause (a). In the facts and circumstances, we find it would be appropriate to saddle the Petitioner 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 Petitioner 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, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*.

7. Writ petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]