

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4623 OF 2015

Suresh Haridas Nanda
and Others.

..Petitioners.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Rahul Arote for the Petitioners.
Mr. K. V. Saste, learned APP for the State.
Mr. Bhavesh Thakar for Respondent No. 2.

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

Date : **December 10, 2015.**

P. C. :

1. By this petition filed under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the Petitioners have sought to quash FIR bearing CR.No.I-299 of 2015 [Wagle Estate Police Station] registered against them at the instance of Respondent No.2, wherein it is alleged that they have committed the offence punishable under section 420 read with 34 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 by way of mutual settlement

and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above FIR by consent of original complainant - Respondent No. 2 herein.

3. An Affidavit dated 2nd December 2015 has been filed by Respondent No.2, wherein he has stated that disputes and misunderstandings between himself and the Petitioners have been resolved amicably and mutual understanding has been arrived at and therefore he has no objection to quash the subject CR against the Petitioners. He has also placed on record copy of the No-Objection Certificate given by Modular Infotech Pvt. Limited, on whose behalf Respondent No. 2 had filed the subject FIR.

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 against the Petitioners.

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 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 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. Accordingly, writ petition is made absolute in terms of prayer clause (b). However, in the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners 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 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 cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]