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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4632 OF 2015

Manish Kakka	..Petitioner.
V/s.	
State and another	..Respondents

Mr. R. Sathyanarayan for the petitioner.
Mr. S.D. Borkar for respondent no. 2.
Mr.J.P.yagnik, APP for the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 22nd DECEMBER, 2015**

P.C. :-

Heard the learned counsel for the respective parties and the learned APP for the State.

2. The petition is filed under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure to quash and set aside the FIR bearing CR No. 40 of 2014 initially registered with Paidhoni Police Station and subsequently renumbered as CR No. 22 of 2014 as the investigation was transferred to GBCBCID EOW Unit no. 2. The said offence is registered at the instance of respondent no. 2 for the offence punishable under section 406, 420, 120B of the Indian Penal Code. Pending investigation, the parties have settled their dispute amicably and had filed the petition for quashing the said FIR by consent.

3. Respondent No.2 has filed affidavit dated 10th December, 2015. In para 3 and 4 he has given no objection to quash the said FIR. On being questioned, respondent no. 2 specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. 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 criminal proceedings are 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.

5. Accordingly, the FIR bearing C.R.No 22 of 2015 as against the petitioner is quashed subject to payment of cost of Rs.20,000/- by the petitioner, to be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which the petition shall stand dismissed automatically without further reference to the Court.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)