

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1314 OF 2015

Larry Leon Day Jr. ..Applicant.
Versus
Dr. Suraj Bhaskar Pawar and Another. ..Respondents.

Mr. A. G. Damle, Senior Advocate with Ms. Prabha U. Badadare for the Applicant.

Mr. Abhay Nevagi, Sandesh Shukla, Harsh Bhende i/b Abhay Nevagi & Co., for Respondent No.1.

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

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

Date : **December 18, 2015.**

P. C. :

1. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicant has sought to quash and set aside FIR/CR No.153 of 2012 registered with Rajarampuri Police Station, Kolhapur. The said FIR is registered at the instance of Respondent No.1 for the offence punishable under sections 406, 467, 471, 420 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that pending investigation into said FIR, parties have settled the disputes and differences by mutual understanding and pursuant to

such understanding arrived at between the parties, the Applicant has filed present application for quashment of FIR by consent of Respondent No.1.

3. Respondent No.1 has filed an affidavit before this Court wherein he has stated that in view of the amicable settlement of disputes with the accused persons, including the Applicant herein he has no objection for quashing the subject FIR even against the present Applicant.

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 subject FIR filed by him against the Applicant. He also submitted that terms of the MoU entered into by the parties have been duly complied with by Respondent No. 1.

5. A note needs to be taken of the fact that co-accused in the said FIR, viz., Vegraj M. Singh, had approached this Court by filing an application under section 482 of the Code of Criminal Procedure, 1973 , being APL No.548 of 2015 with similar reliefs to quash the subject FIR as against him, wherein this Court vide order dated 16th October 2015, has quashed the subject FIR as against him.

6. 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 case. 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 pending except ultimately burdening the Criminal Courts which are already overburdened.

7. 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, application is allowed in terms of prayer clause (b). In the facts and circumstances, we find it would be appropriate to saddle the Applicant with the cost of Rs.25,000/-, 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.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]