

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4914 OF 2015

Neha Nangia & Ors.

.. Petitioners

Versus

Smt. Renu @ Kashi Rajive Mishra & Anr.

.. Respondents

Mr. I.S. Nirmale, for the Petitioner.

Mr. Milind Nakashe, for Respondent No. 1

Mr. K.V. Saste, APP for the State.

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

DATE : 16th DECEMBER 2015

P.C. :

1 . Heard learned Counsel for respective parties and learned
APP.

2 . The Petition is filed under Article 226 of the Constitution
of India with provisions of Section 482 of the Code of Criminal
Procedure, 1973, for quashing and setting-aside the FIR bearing C.R.
No. 342 of 2015 registered with Bangurnagar Police Station,
Mumbai, at the instance of Respondent No. 1, for the offences

punishable under Sections 457 and 380 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the Petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant Petition for quashing the subject FIR by consent. Respondent No. 1 has filed an Affidavit dated 16th December 2015. In Affidavit, she has given no objection for quashing the subject FIR. Respondent No. 1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the Affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. She also stated that she is giving no objection for quashing the subject FIR 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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Narinder Singh vs. 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. 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 Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the Petitioners to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. The Petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the Criminal Petition shall stand dismissed automatically without further reference to the Court.

[V.L. ACHLIYA, J.]

[RANJIT MORE, J.]