

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4981 OF 2015

Shailash Madhukar Shetye and Ors.

..Petitioners.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.A.R. Morya i/b. Arm Legal for the petitioners.

Mrs.M.M.Deshmukh, APP for respondent-State.

Mr.Sharad Rai for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 23RD DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned A.P.P. for the State. This petition is filed under Article 226 of the Constitution and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No.614/2015 registered with Dindoshi police station, Mumbai at the instance of respondent No.2 against the petitioners for the offences punishable under Section 354, 323, 504, and 143 of the Indian Penal Code.

2. Pending investigation, the parties amicably settled their dispute and have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 has filed an affidavit dated 23rd December, 2015. In paragraph 3, she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No.2 is personally present before the Court. She is identified by his Advocate. On being questioned, respondent No.2 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also stated that she is giving no objection for quashing the subject F.I.R. out of free will and without there being any pressure or coercion.

3. 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 subject F.I.R. is

required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- to be paid by the petitioners to the Shanti Avedna Sada and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

5. Subject to the above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)