

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 194 OF 2016

C.R.Rajesh Nair

...Petitioner

vs.

State of Maharashtra & Ors.

...Respondents

Mr.P.D. Purvay for Petitioner.

Ms.S.D. Shinde, APP for State.

Mr.Aniket V. Nikam i/b. Aashish Satpute for Respondent No.2.

CORAM : RANJIT MORE & S.C. GUPTA, JJ.

29 JANUARY 2016

P.C. :

Heard 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 read with provisions of Section 482 of Cr.P.C. to quash and set aside the FIR bearing C.R.No. 260/2013 registered with Amboli Police Station at the instance of Respondent No.2. for the offences punishable under Sections 465, 466, 420, 120B read with Section 34 of IPC against the Petitioner and three other accused.

4 Pending investigation, the parties settled their disputes amicably and in pursuance of an understanding arrived at between them, filed the present petition for quashing the subject FIR, by consent. Respondent No.2, accordingly, has filed an affidavit dated 21 January 2016. In para 4, he has given no objection to quash the subject FIR. Along with affidavit, resolution of the Siigrun Realities Ltd. is also annexed authorising Naveen D'Souza, Managing Director, to file vakalatnama as well as to do all acts, deeds and things necessary or incidental for giving effect to the said resolution. He is present before the Court. He confirms the contents of the affidavit. He also states that he is giving consent out

of free will and without there being any pressure or undue influence.

5 Be that as it may, it can 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 needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6 Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the Petitioner. The Petitioner shall pay the costs of Rs.50,000/- to **Police Relief Fund** and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which the petition shall stand dismissed automatically without reference to the court.

76 Subject to above, the criminal petition stands disposed of.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)