

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 236 OF 2016

Vishnu Maruti Ramne and anr. ..Petitioners
Versus
The State of Maharashtra and ors. ..Respondent

Mr. Nitin Sejpal along with Ms. Pooja Sejpal, advocate for the petitioners.
Ms. S. D. Shinde, APP for the State.
Mr. B. M. Thakur, advocate for respondent No.3

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

DATE : 9th FEBRUARY, 2016.

P. C. :

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

2. The petition is filed under Article 226 of the Constitution of India for quashing and setting-aside FIR No.I-204 of 2015 registered with Thane Nagar Police Station Thane, at the instance of respondent No.3, for the offences punishable under Sections 392 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, parties have settled their dispute amicably, and in pursuance of an understanding arrived at between

them, have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.3 has filed an affidavit dated 8th January, 2016. In paragraphs 3 and 5, he has stated that he does not want to pursue and continue the investigation of the subject crime and the same may be quashed. Respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has understood the contents thereof and has no objection if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the said 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 the writ petition is allowed in terms of prayer clause (b) subject to payment of cost of Rs.20,000/- by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]