

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

CRIMINAL WRIT PETITION NO. 257 OF 2016

Mr.Sunil Shantaram Kamble & Anr.	...Petitioners
vs.	
The State of Maharashtra & Anr.	...Respondents

Mr.Sandesh V. More for Petitioners.
Mr.Hemant Ghadigaonkar for Respondent No.2.
Ms.S.D. Shinde, APP for State.

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

29 JANUARY 2016

P.C. :

Heard learned Counsel appearing for the respective parties and 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 the Code of Criminal Procedure, 1973 to quash and set aside the FIR bearing C.R. No.213/2015 registered with Govandi Police Station at the instance of Respondent No.2 for the offences punishable under Sections 420, 465, 468 and 471 read with 34 of IPC.

3 Pending investigation, the parties settled their disputes amiably and in pursuance of an understanding arrived at between them, filed the present application for quashing the subject FIR, by consent. Respondent No.2, accordingly, has filed an affidavit dated 21 January 2016. In para 4, he has stated that in view of the settlement, he does not want to proceed against the Petitioners and third accused Mr.Ramphalsingh Chaitram Chokra. He also made a statement that he is supporting the present petition. Respondent No.2 is personally present before the court. He confirms the contents of the affidavit. On specific query, he states that he has no objection to quash the subject FIR against the Petitioners

as well as third accused, namely, Mr. Ramphalsingh Chaitram Chokra. He also states that he is giving consent out of free will and without there being any pressure or undue influence.

4 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.

5 Accordingly, the petition is allowed in terms of prayer clause (B) subject to payment of costs of Rs.5,000/- by the Petitioners to the Kirtikar Law Library. The Petitioners shall pay the costs 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.

6 Subject to above, the criminal writ petition stands disposed of.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)