

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

CRIMINAL WRIT PETITION NO. 258 OF 2016

MR.Sachin Shantaram Sonavane & Anr.	...Petitioners
vs.	
The State of Maharashtra & Anr.	...Respondents

Mr.S.V. More for Petitioners.
Mr.B.M. Gupta for Respondent No.2.
Mr.F.R. Shaikh, APP for State.

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

22 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 Cr.P.C. to quash and set aside the FIR registered vide C.R. No.436 of 2015 at Dadar Police Station at the instance of Respondent No.2 for an offence punishable under Section 420 read with 34 of Cr.P.C.

3 Pending the investigation, the parties have settled their disputes amicably and in pursuance of an understanding arrived at between them, they apply for quashing of the complaint filed by Respondent No.2. Respondent No.2 tenders an affidavit dated 20 January 2016. In para 4, Respondent No.2 has stated that they have decided to compound / withdraw the subject FIR. The statement is also made by Respondent No.2 that he is supporting the above petition for quashing and setting aside the subject FIR. Respondent No.2 is personally present before the court. He confirms the averments made in the petition. On a specific query, he has no objection to quash the subject FIR.

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. There is no element of public law involved in the crime. 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 **Madan Moan Abbot vs. State of Punjab (2008 4 SCC 582)**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal courts which are already overburdened.

5 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab (2014 AIR SCW 2065)**, we are of the considered view that there is no impediment in quashing the subject FIR.

6 Accordingly, the writ petition is allowed in terms of prayer clause (B). However, in the facts and circumstances of the case, we are of the view that the Petitioners need to be saddled with costs.

7 The Petitioners to pay costs of Rs.20,000/-, which shall be paid to the **Tata Memorial Hospital**.

8 For the quashment to take effect, the Petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay costs and produce receipt within stipulated time, the petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as non-est.

9 Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police shall proceed against the Petitioners in accordance with law.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)