

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 70 OF 2016

Praful Nanji Satra. ..Applicant.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. B. R. Zaveri i/b B. K. Gala for the Applicant.

Mr. N. S. Mundargi for Respondent Nos. 2 to 5.

Mr. F. R. Shaikh, learned APP for the State.

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

Date : **January 21, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties and learned APP for the State. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash FIR bearing No.50 of 2015 registered with EoW, Unit-II, Mumbai [originally FIR bearing No.422 of 2015 of Borivali Police Station]. The said FIR came to be registered against the Applicant at the instance of Respondent No.2, wherein the allegations pertain to the commission of offence punishable under sections 406, 420, 465, 468, 471 and 120B read with 34 of the Indian Penal Code, 1860 and also under section, 3, 4, 5 and 7 of the MOFA Act.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant application is filed for quashing the above FIR, by

consent of Respondent Nos.2 to 5, who are respectively the original complainant and witnesses.

3. Respondent Nos.2 to 5 have filed separate affidavits wherein they have stated that the disputes between themselves on one side and the Applicant on the other side have been resolved and they are not interested in continuing with the criminal prosecution of the Applicant. They have solemnly affirmed that they have no objection for quashing the subject FIR against the Applicant.

4. Respondent Nos. 2 to 5 are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the FIR in question against the Applicant.

5. 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. 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 Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. 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. Accordingly, application is allowed in terms of prayer clause (a). As the police machinery and Court machinery was put into motion by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Applicant with the cost of Rs.50,000/- (Rs. fifty thousand only), which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients.

For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*. 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 Applicant in accordance with law.

[S. C. GUPTE, J.]

[RANJIT MORE, J.]