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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 287 OF 2016**

Mavjibhai Meghibhai Kataria and ors.
versus
The State of Maharashtra and anr.

....Petitioners
....Respondents

Mr. K. U. Nikam, advocate for the petitioners.
Mrs. S. V. Sonavane, APP for the State.
Mr. Vaibhav Gaikwad, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 2nd 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 read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No.42 of 2015 registered at the instance of respondent No.2 with Pydhonie Police Station and subsequently transferred to EOW Unit-III, Mumbai and renumbered as C.R. No.8 of 2015 for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition settled their dispute amicably and entered into consent terms, and in pursuance of an understanding arrived at between them, they have approached this

Court for quashing the subject FIR by consent. Respondent No.2 has passed a resolution dated 25th November, 2015 authorizing Mr. Amritlal M. Shah (Director) of Eagle Steels Rolling Mills Pvt.Ltd. to represent the company in all legal and other matters so as to act, appear, conduct, dispose and discharge on behalf of the Company, in litigation that may arise in respect of Jyoti Power Corporation Pvt. Ltd. of which petitioner Nos. 1, 2 and 3 are the directors. Mr. Amritlal Shah accordingly filed an affidavit dated 2nd February, 2016 along with a copy of the consent terms. In paragraph 7 of the said affidavit, he has given his no objection to quash the subject FIR. Mr. Amritlal Shah is present before this Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully 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 subject 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 (a) subject to payment of cost of Rs.50,000/- 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 stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)