

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

CRIMINAL APPLIATION NO. 93 OF 2016

Mr.Kaviraj S. Bhandari & Anr.	...Applicant
vs.	
The State of Maharashtra & Anr.	...Respondents

Mr.Rahul Singh with Chetan Agrawal i/b. Legal Catalyst for Applicants.
Mr.Javed Dorajiwala i/b. MZM Legal for Respondent No.2.
Mr.J.P. Yagnik, 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 application is filed under Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the FIR bearing CR No.258/2015 registered by Gaodevi Police Station at the instance of Respondent No.2 for the offences punishable under Sections 406, 420, 120-B read with Section 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 29 January 2016. In para 3, he has given no objection for quashing the subject FIR. 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. 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the Applicants and Respondent No.2. Out of the above costs, the Applicants shall pay the costs of Rs.10,000/- to **Tata Memorial Hospital** and Respondent No.2 shall pay the costs of Rs.10,000/- to **Shanti Avedna Sadan**. The Applicants and Respondent No.2 shall pay the costs and produce the receipts thereof on the file of this Court within a period of four weeks from today, failing which the application shall stand dismissed automatically without reference to the court.

6 Subject to above, the criminal application stands disposed of.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)