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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.112 OF 2016

Nitesh Dattaram Baane

..Applicant.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Manoj R. Gowd for the applicant.

Mrs.S.V.Sonavane, APP for respondent-State.

Mr.S.R. Goud for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Not on board. Mentioned for urgent production.

Production granted in view of urgency.

2. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned A.P.P. for the State.

3. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing F.I.R. bearing C.R.No.54/2015 registered with

Agripada police station, Mumbai at the instance of respondent No.2 against the applicant for the offences punishable under Section 380 of the Indian Penal Code.

4. Pending investigation, the parties amicably settled their dispute and have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 has filed an affidavit dated 1st February, 2016. In paragraph 5, he has stated that he has no objection if the subject F.I.R. is quashed. Respondent No.2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.2 specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

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. There is no element of public law involved

in the offence. 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 **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the subject F.I.R. is required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, the application is made absolute in terms of prayer clause (b) subject to payment of costs of Rs.5,000/- to be paid by the applicant to the Kirtikar Law Library within a period of two weeks from today and thereafter produce the receipt thereof on the file of this application, failing which the criminal application shall stand dismissed automatically without further reference to the Court.

7. At this stage, learned counsel for respondent No.2 states that a mobile phone in question was recovered from the

applicant and which is now lying in the custody of Agripada police station, Mumbai. In the circumstances, we grant liberty to respondent No.2 to apply to the In-charge of the Agripada police station, Mumbai for return of the mobile and since the subject F.I.R. is quashed, the concerned officer shall return the same to the applicant.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)