

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.677 OF 2016

Mr. Tussar Anil Pisodhkar and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. A. H. Ponda i/b. Mr. Milan Hebballi, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. G. B. Kedia, advocate for respondent No.2.

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

DATE : 25th FEBRUARY, 2016.

P. C. :

Mr. Ponda, learned counsel for the petitioners, at the outset, seeks leave to amend the petition so as to give the charge-sheet number. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR No.126/2014 and charge-sheet No.I-109/2015 registered by Thane Nagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 420, 464, 465, 470 and 471 read with Section 34 of the Indian Penal Code, 1860.

4. The said FIR was registered at the instance of respondent No.2 against the petitioners. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject FIR along with the charge-sheet by consent. Respondent No.2 has, accordingly, filed an affidavit dated 22nd February, 2016, wherein he has given his no objection for quashing the subject FIR along with the charge-sheet. He has also annexed a copy of the resolution of the Western Real Estate Pvt. Ltd. under which he has been authorized to quash the subject FIR against the accused persons. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection, if the subject FIR as well as the charge-sheet are quashed and set-aside.

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. 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.

6. Accordingly, the FIR No.126/2014 and charge-sheet No.I-109/2015 registered by Thane Nagar Police Station are quashed

and set-aside subject to payment of costs of Rs.1,00,000/- by the petitioners and Rs.50,000/- by respondent No. 2 to **“Naam Foundation”** an NGO whose mission is to build sustainable & progressive society by facilitating development in rural areas by working on different issues like infrastructure, education, employment , food & so on. The parties shall pay the said costs and produce the receipts thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal writ petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]