

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 727 OF 2016

Ganesh Shankar Kasarekar and ors.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Ranjeeth Patil, advocate for the petitioners.
Ms. S. D. Shinde, APP for the State.
Mr. K. S. Patil, advocate for respondent No.2.

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

DATE : 18th 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 the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No. 61 of 2015 registered with Goregaon Police Station, District - Raigad at the instance of respondent No.2, for the offences punishable under Sections 143, 147, 323 and 504 of the Indian Penal Code, 1860 and Sections 37(1) (3) and 135 of the Bombay Police Act, 1951.

2. Pending investigation, 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 by consent. Respondent No.2 has filed an affidavit dated 18th February, 2016. In paragraph 3, he has stated that he has no objection for quashing the subject FIR. Respondent No.2 is personally present before the 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. 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.

3. 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.

4. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the petitioners to the **"Kirtikar Law Library"**. The petitioners shall pay the said costs and produce the receipt 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.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]