

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 197 OF 2016

Jeetbahadur Y. Singh & Ors. .. Applicant

Versus

State of Maharashtra and Ors. .. Respondents

Mr.M. Shaikh, S. Kshirsagar i/by Afroz A. Siddique for the applicant.

Mr. J.P. Yagnik, APP for the State.

Mr. S.K. Dubey for respondent nos. 2 and 4.

CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 24th FEBRUARY, 2016.

P. C. :

1. Heard the learned counsel for the respective parties and the learned APP for the State.

2. The Criminal Application is filed for quashing the FIR bearing CR No. 423 of 2015 registered with Park Site Police Station, Vikhroli, Mumbai at the instance of respondent no. 4 against the applicants and respondent nos.5 and 6 for the offence under section 141, 143, 145, 147, 149, 353, 504, 332, 427, 323, 341 of Indian Penal Code.

3. Pending the investigation, parties have settled their

dispute amicably and have approached this court for quashing the said FIR by consent. The respondent no. 4 has accordingly filed affidavit dated 24.2.2016. In para 7 he has given no objection for quashing the said FIR. Respondent no. 4 present in court. He is identified by his Advocate. On being questioned, respondent No. 4 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.

4. Mr. Yagnik, the learned APP submits that since the incident which gave rise to the registration of FIR as the applicants/accused also manhandled the police personnel and obstructed them from discharging their duty and therefore, FIR should not be quashed even by consent. In the light of the submissions of the learned APP coupled with the fact that the parties have settled their dispute, we have gone through the FIR. The FIR reveals that the applicants and respondent no. 5 and 6 are the original accused. They were employed by respondent no. 2 which is the sister concern of Runwal Group and thereafter they have retired. Respondent no. 2 company was taken over by Runwal Group. The applicants and respondent nos. 5 and 6 however, were staying in the quarters provided by respondent no.2. The incident in question occurred as the Runwal Group came with machinery for demolition of

the buildings in which the applicants/accused were staying. The applicants were opposing the demolition and in the course of the demolition the incident alleged had happened. Some of the applicants are ladies and children within the age group of 14 to 21 years.

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 (a) subject to payment of costs of Rs.1,00,000/- to be paid jointly by the applicants and respondent nos.5 and 6 to the Police Welfare Fund to be deposited with Central Police Welfare Fund, A/C.914010029005759 Axis Bank, IFS Code-UTI B0000060 and

thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]