

CRIMINAL APPLICATION NO. 206 OF 2016

Neeraj S/o. Shivkumar Maholey and anr. ..Applicants

State of Maharashtra and anr. ..Respondents

Mr. S. R. Soni, advocate for the applicants.

Mr. Shivkumar Jankiprasad Maholey, respondent No.2 in person.

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

DATE : 1st MARCH, 2016.

P. C. :

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

2. The criminal application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR bearing Crime No.772 of 2015 registered with D.N. Nagar Police Station, Mumbai for offences punishable under Sections 380, 420, 465, 468, 471 and 467 read with Section 34 of the Indian Penal Code, 1860.

3. Respondent No.2 is the father of respondent No.1 and father-in-law of respondent No.2. The allegations in the FIR pertain to

theft. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 1st March, 2016. In paragraphs 2 and 3, he has given his 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 and set-aside. 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the applicants to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]