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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.230 OF 2016

Saurabh Mahesh Gupta

..Applicant.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Shyam Rishi Pathal for the applicant.

Mr.J.P.Yagnik, APP for respondent-State.

Mr.Sandeep Pandey for respondent No.2.

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

DATED : 3RD MARCH, 2016

P.C. :-

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

2. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing C.R. No.559/2015 registered with Dindoshi police station, Mumbai at the instance of respondent No.2 against the applicant for the offence punishable under Sections 279, 338, 337 of the Indian Penal Code.

3. Pending investigation, the parties have amicably settled their dispute and in pursuance of said understanding, they have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 as well as the aggrieved person have filed affidavits dated 2nd and 3rd March 2016 respectively. In paragraph 4, they have stated that they have no objection if the subject F.I.R. is quashed. Respondent No.2 and the aggrieved person are personally present before the Court. They are identified by their Advocate. On query, they specifically stated that they have gone through the affidavits and have fully understood the contents thereof and have no objection if the subject F.I.R. is quashed. They have also stated that they are giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. 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 personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious 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 as considerable time has been spent in investigation of the case by police.

5. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- to be paid by the applicant, be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes within a period of 4 weeks 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.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)