

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.520 OF 2015

Gopal Amar Thakur and Others	..Applicants
Versus	
State of Maharashtra & Anr.	..Respondents

Mr. A.V.Chatuphale with Ms. R.W.Correia, Advocates for the Applicants.
Ms. U.V.Kejriwal , APP for the State.
Mr. Ganesh Bhujbal, Advocate for Respondent No.2

**Coram : SHANTANU KEMKAR &
 RANJIT MORE, JJ.**

Date : 2nd May, 2016.

P. C. :

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

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R.No.149 of 2015 registered with Santacruz Police Station, Mumbai which was re-numbered as C.R.No.17/2015 after transferring to Economic Offences Wing, Unit II at Yellow Gate Police Station, Mumbai at the instance of respondent No.2, for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860. The said FIR is registered against 4 persons including the three applicants in the instant application.

3 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/Complainant has filed an affidavit dated 29th April, 2016. Aggrieved Persons, Mrs. Bina Mahesh Pariani and Mr. Amit Mahesh Pariani have also filed joint affidavit dated 29.4.2016. In paragraph 2 of the affidavits of the Respondent No.2 and in the joint affidavit of aggrieved persons, they have stated that they have no objection of any nature whatsoever for quashing and setting-aside the C.R.No.17/2015. Respondent No.2 and aggrieved persons are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if C.R.No.17/2015 is quashed and set-aside. They also stated that they are giving no objection for quashing the subject CR 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 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.

5 Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50000/- by the applicants to the **“Naam Foundation”** an institution that works for betterment of farmers in the drought-prone areas of [Marathwada](#) and [Vidarbha](#) in the state of [Maharashtra](#) . The applicants shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two 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.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]