

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 710 OF 2015

Rupen K. Bhatt.

..Applicant.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Sandesh Inamdar i/b B. A. Lawate for the Applicant.

Mr. S. N. Sule for Respondent No. 2 and 3.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
S. C. GUPTA, JJ.

Date : **January 21, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties and learned APP for the State. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicant has invoked the inherent powers of this Court seeking to quash an FIR registered against him at Santacruz Police Station on 3rd July 2015 being CR No.324 of 2015, wherein the allegations against him are for the offence punishable under sections 279, 336 and 427 of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No.2.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of friends and well-wishers, the parties

have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant application is filed for quashing the above FIR, by consent of Respondent No.2 and 3 who are respectively the complainant and injured person of the alleged incident.

3. Respondent No.2 has filed an affidavit for himself and also on behalf of his wife Respondent No.3 wherein he has stated that they are not interested in continuing with the criminal prosecution of the Applicant as they have received an amount of Rs.40,000/- from the Applicant by way of compensation and therefore do not wish to prosecute the Applicant. Respondent No.2 has further solemnly affirmed that he is withdrawing all the allegations made against the Applicant in the said FIR and that he has no objection for quashing the FIR in question against the Applicant.

3. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question filed by him against the Applicant, being FIR No. 324 of 2015 registered with Santacruz Police Station.

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. There is no element of public law involved in the crime. 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 Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the FIR in question.

4. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.10,000/- [Rs.Ten thousand only], which shall be paid to the "Tata Memorial Hospital" an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay

cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police shall proceed against the Applicant in accordance with law.

[S. C. GUPTE, J.]

[RANJIT MORE, J.]