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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 781 OF 2014

Mr. Rajendra Prasad Radheshyam Agarwal and another	..Applicants
V/s.	
State of Maharashtra	..Respondent.

Mr. H.V. Kumarswami for the Applicants.

Mr. S.A. Jondhale i/by Jondhale & Co. for respondent no. 3.

Mr. K.V. Saste, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : FEBRUARY 17, 2016**

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.3 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 No. 185 of 2014 registered with D.B. Marg police station, at the instance of respondent No.3 against the applicants for the offences punishable under Section 409 read with Section 34 of the Indian Penal Code.
3. Pending investigation, the parties amicably settled their dispute and have approached this Court for quashing the subject

F.I.R. by consent. Respondent No. 3 has filed an affidavit dated 17th February, 2016. In paragraph 3, he has stated that he has no objection if the subject F.I.R. is quashed. Respondent No.3 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No. 3 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 FIR 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. 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.

5. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.1,00,000/-. Out of the said cost, applicants shall pay Rs.50,000/- to Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes and the respondent no. 3 shall pay balance Rs.50,000/- to Central Police Welfare Fund A/C.914010029005759 Axis Bank, IFS Code-UTI B0000060 and thereafter produce the receipts 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.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)