

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 986 OF 2015

Rahul Narayan Bagal Patil and ors.

..Applicants

Versus

Mr. Ravikant Varpe and anr.

..Respondents

Mr. V. V. Tarepatil, advocate for the applicants.

Mr. Anup Lahoti, advocate for respondent No.1.

Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
S. C. GUPTA, JJ.**

DATE : 25th JANUARY, 2016.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No.1352 of 2013 registered with Cuffe Parade Police Station, at the instance of respondent No.1, for the offences punishable under Sections 66A and 66B of the Information Technology Act, 2000 and Section 500 of Indian Penal Code, 1860.

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 subject FIR by consent. Respondent

No. 1 has filed an affidavit dated 19th November, 2015. In paragraph 7, he has given his no objection for quashing the subject FIR. Respondent No.1 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. That apart, the provisions of Section 66A of the Information Technology Act, 2000, has been held as unconstitutional and has been subsequently quashed and struck down by the Supreme Court. The offence under Section 500 of the Indian Penal Code, 1860 is non-cognizable, it can thus be set-aside.

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 (b) subject to payment of costs of Rs.5000/- by the applicants to the **“Kirtikar Law Library”**. The applicants shall pay the said cost and produce the receipt thereof on the file of this Court within

a period of four weeks from today, failing which, the application shall stand dismissed automatically without further reference to the Court.

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

[S. C. GUPTE, J.]

[RANJIT MORE, J.]