

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1138 OF 2015

Premchand Ganpatram Dayma
and Others.

..Applicants.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. R. P. Khobragade for the Applicants.
Mr. Abhijeet Naik for Respondent No. 2.
Mr. K. V. Saste, learned APP for the State.

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

Date : **February 3, 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 Applicants are seeking to quash FIR registered against them at Nirmal Nagar Police Station, being CR No. 376 of 2014 dated 24th December 2012. The said FIR is registered at the instance of Respondent No. 2 wherein the allegations against the Applicants are with regard to the commission of the offence punishable under sections 323, 324, 354 & 504 read with 34 of the Indian Penal Code, 1860.

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 family members, 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, with the consent of Respondent No.2 herein.

3. Respondent No.2 has filed an affidavit dated 3rd February 2016 wherein she has stated that she is not interested in continuing with the criminal prosecution of the Applicants in view of the amicable settlement of disputes with the Applicants. She has solemnly affirmed that she has no objection for quashing the FIR in question lodged by her against the Applicants.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Applicants.

5. It can, thus, be seen that the matter has been amicably settled between the parties. 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 alive except ultimately burdening the Criminal Courts which are already overburdened.

6. 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 subject FIR. Accordingly, application is allowed in terms of prayer clause (B). However, in the facts and circumstances of the case we are of the view the Applicants shall to be saddled with costs, quantified at Rs.10,000/-, which shall be paid to "**Shanti Avedna Sadan**" an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants 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 proceedings/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 / Magistrate shall proceed against the Applicant in accordance with law.

[S. C. GUPTA, J.]

[RANJIT MORE, J.]