

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1194 OF 2015

Vijay S. Salunkhe and Others.

..Applicants.

Versus

Sambhaji Eknath Jadhav & Anr.

..Respondents.

Mr. Vishal A. Patil for the Applicants.

Mr. K. V. Saste, learned APP for the State.

Mr. G. T. Jadhav for Respondent No. 1.

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

Date : **January 21, 2016.**

P. C. :

1. The learned Counsel appearing for the Applicants at the outset seeks leave to amend the prayer clause so as to incorporate the particulars of crime number. Leave granted. Necessary amendment be carried out forthwith.

2. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash the FIR registered against them with Umbraj Police Station, district Satara, being MECR No.4 of 2015. The said FIR / MECR is registered at the instance of Respondent No.1. The allegations against the Applicants are for the offence punishable under sections 323, 326, 352, 379, 500

of the Indian Penal Code, 1860. Admittedly, the FIR came to be registered after direction from the Magistrate in a proceeding under section 156(3) of the Code of Criminal Procedure, 1973.

3. 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 and disputes 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 original complainant - Respondent No.1 herein.

4. Respondent No.1 has filed an affidavit wherein he has stated that he is not interested in continuing with the criminal prosecution of the Applicants as the disputes between his family and the Applicants are settled. He has solemnly affirmed that he is withdrawing all the allegations made against the Applicants the said FIR and that he has no objection for quashing the subject FIR/MECR registered at his instance.

5. Respondent No.1 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 which came to be registered at his behest.

6. 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. 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 subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

7. 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. Hence,

application is allowed in terms of prayer clause (a) and subject MECR is quashed. As the police and Court machinery was put into action by the parties to settle their private disputes, we find it would be appropriate to saddle the Applicants with the cost of Rs.10,000/-, which shall be paid to the “**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 / Magistrate that subject FIR / MECR shall not be treated to have been quashed and that police / Magistrate shall proceed against the Applicant in accordance with law.

[S. C. GUPTE, J.]

[RANJIT MORE, J.]