

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1330 OF 2015

Aiyanaar Ramaswami Iyer @ Yadav. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Himanshu Shinde i/b Mr. V. M. Deshmukh for the Applicant.
Mr. K. V. Saste, learned APP for the State.
Mr. Nitin Dhandare for Respondent No.2.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **February 11, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties and learned APP for the State. This is an application filed under section 482 of the Code of Criminal Procedure, 1973, seeking to quash FIR bearing CR. No. 295 of 2015 registered with Vikhroli Police Station. The said FIR is registered at the instance of Respondent No.2, wherein the allegations levelled against the Applicant pertains to the commission of the offences punishable under sections 325 and 504 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 elders, 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.

3. Respondent No.2 has filed an affidavit dated 11th February 2016 wherein she has stated that she is not interested in continuing with the criminal prosecution of the Applicant in the subject FIR registered at her instance. She has solemnly affirmed that she has no objection for quashing the FIR against the Applicant being C.R. No. 295 of 2015 registered with Vikhroli Police Station.

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 FIR in question against the Applicant registered at her instance.

5. 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 alive except ultimately 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. Accordingly, application is allowed in terms of prayer clause (a). As the police machinery and Court machinery was put into motion by the parties, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/-, 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 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 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 the Applicant in accordance with law.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]

