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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.4911 OF 2015**

Mayur Yashwant Thange & Ors.

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

.....

Mr. Santosh Pawar for the Petitioners.

Mrs. M. M. Deshmukh, APP, for the Respondent-State.

Mr. Prem Pandey for Respondent no.2.

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**CORAM: RANJIT MORE &
A. K. MENON, JJ.****DATE : 19TH JANUARY, 2016**

P.C.:

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

2. The writ petition is filed invoking the provisions of Article 226 of the Constitution of India for quashing and setting-aside the FIR bearing C.R. No.351 of 2015 registered with Vile Parle Police Station, Mumbai, at the instance of respondent No.2, for an offences punishable under Sections 506(II), 504, 323 read with Section 34 of the Indian Penal Code, 1806.

3. Pending investigation, the parties to the writ petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 9th December, 2015. In paragraph 2, he has stated that he has no objection for quashing and setting-aside the subject FIR. Respondent No.2 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 and set-aside. He also stated that he is giving no objection for quashing the subject 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. 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.15000/- by the applicants to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. The applicants shall pay the said costs and produce the receipt thereof on the file of this Court 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 above, the criminal application stands disposed of.

(A. K. MENON, J.)

(RANJIT MORE,J.)

wadhwa