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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4919 OF 2015

Amruth Kanji Nisar

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

Ms.Meena R. Sharma with Mr.V.R.Kasale for the petitioner.

Mr.K.V.Saste, APP for respondent-State.

Mr.Yogesh Joshi i/b. YRJ Legal for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 11TH JANUARY, 2016

P.C. :-

1. Heard learned counsel for the petitioner, learned counsel for respondent No.2 and learned A.P.P. for the State.

2. This petition is filed under Article 226 of the Constitution and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing No.I-136/2015 registered with Sanpada police station, Navi Mumbai at the instance of respondent No.2 against the petitioner for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Pending investigation, the parties amicably settled their dispute and in pursuance of said understanding, they have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 has filed an affidavit dated 4th January, 2016. In the affidavit, he has stated that he has no objection if the subject F.I.R. is quashed entirely. Respondent No.2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.2 specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

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. There is no element of public law involved in the offence. 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 **Narinder Singh V/s. 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. In that view of

the matter and in the interests of justice, the subject F.I.R. is required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.1,00,000/- to be paid by the petitioner and respondent No.2 equally. The petitioner shall deposit the costs with the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes and respondent No.2 shall pay the costs to the Mumbai Police Welfare Bank, deposited with the Axis Bank, D.B.Marg Branch, Mumbai Account No.465010100008693, IFS Code-UTI B0000060 and thereafter they shall produce the receipts thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)