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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5053 OF 2015

Pratap Kashyap

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mr.Pandit Kasar for the petitioner.

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

Ms.Pratibha Shelke for respondent No.2.

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

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Not on board. Production granted in view of the urgency of the matter.

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

3. 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 C.R.No.90/2015 registered with Andheri police station, Mumbai at the instance of respondent No.2 against the petitioner for the offences punishable under Section 408 of

the Indian Penal Code.

4. 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 1st February, 2016. In paragraph 4, he has stated that he has no objection if the subject F.I.R. is quashed. 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.

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 personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious 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 as considerable time has been spent in investigation of the case by police.

6. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- to be paid by the petitioner to the Kirtikar Bar Library within a period of four weeks from today and thereafter produce the receipt thereof on the file of this petition, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

7. Since the subject F.I.R. is quashed and set aside, the order passed by this Court on 13th January, 2016 is recalled.

8. Subject to the above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)