

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 274 OF 2017

Shri Shyamsunder Radheshyam Agrawal and ors.Petitioners
versus
The Senior Inspector of Police, Malabar Hill Police
Station, Mumbai and 2 ors.Respondents

Mr. S. D. Patil along with Mr. Jeet Gandhi i/b. Anusha Amin, advocate for
the petitioners.
Mr. J. P. Yagnik, APP for the State.
Mr. Sunny Punamiya, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 29th JUNE, 2017.

P. C. :

Heard Mr. Patil, learned counsel for the petitioners, Mr.
Punamiya, learned counsel for the respondent No.2 and Mr. Yagnik,
learned APP for the State.

2. The petitioners have filed the present petition for quashing
and setting-aside the FIR bearing CR No.196 of 2016 with Gamdevi
Police Station, Mumbai, at the instance of respondent No.2 against the
petitioners for the offences punishable under Sections 406, 420, 467,
468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court by way of this petition for quashing the subject FIR by consent.

4. The respondent No.2 has, accordingly, filed an affidavit dated 2nd February, 2017. In paragraph 5 thereof, he has stated that the dispute between himself and the petitioners is amicably settled and, therefore, he has no objection, if the subject FIR is quashed and set-aside. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well, and has understood the contents thereof. He further confirmed that he is giving no objection for quashing and setting aside the subject FIR 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 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 subject FIR 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.

6. Accordingly, the the writ petition is allowed in terms of prayer clause (B) subject to payment of costs of Rs.15,000/- by the petitioners to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the writ petition is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]