

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.83 OF 2017**

Tushar Ajay Kapoor.] ... Applicant

Versus

1. The State of Maharashtra]
2. Mithul Gunawant Shah.] ... Respondents

Mr. S. Oak i/b SC Legal for Applicant.

Mr. N. B. Patil, APP for State.

Mr. Mithul Gunawant Shah, Respondent no.2, present in person.

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

DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for applicant, respondent no.2 in person and the learned APP.

2. The application is filed for quashing and setting aside the proceedings of Criminal Case No.08/PW/2017 pending on the file of the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai. The said criminal case arises of registration of FIR bearing C.R.No.783 of 2016 registered with Dindoshi Police Station for the offences punishable under Sections 326, 324 and 504 of the IPC.

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

4. The respondent no.2, accordingly, has filed an affidavit dated 25/01/2016. In para 6, he has given no objection for quashing of the subject FIR.

5. The respondent no.2 is personally present in the Court. On a specific query, he states that he has gone through the affidavit as well as the contents of the application. In the above circumstances, he has no objection to quash the subject FIR. He has also stated that he has given no objection out of his free will and without any force or coercion.

6. 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*¹, 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.

¹ 2014 AIR SCW 2065

7. Accordingly, the Criminal Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited in the Tata Memorial Cancer Hospital. The applicant 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.

8. Subject to above, the Criminal Application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)