

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 124 OF 2017

Rohan Anil Patole and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Sushrut Jadhwar, advocate for the applicants.
Mr. N. B. Patil, APP for the State.
Mr. Mohsin Pathan i/b. Mr. Samadhan U. Sulane, advocate for the
respondent No.2.

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

DATE : 29th JUNE, 2017.

P. C. :

Heard Mr.Jadhwar, learned counsel for the applicants, Mr.
Pathan, learned counsel for the respondent No.2 and Mr. Patil, learned
APP for the State.

2. The applicants have filed the present application for
quashing and setting-aside the FIR bearing CR No.231 of 2016
registered with Ghatkopar Police Station, Mumbai, at the instance of
respondent No.2 against the applicants for the offences punishable
under Sections 325, 504, 323 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 application for quashing the subject FIR by consent.

4. The respondent No.2 has filed an affidavit dated 27th September, 2016. In paragraph 5 thereof, he has given his no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application 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 criminal application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.15,000/- by the applicants (i.e. Rs.5000/- by each applicant) to Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said costs and produce the receipts 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.

7. Subject to above, the criminal application is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]