

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.146 OF 2017

Aninda Netal Seal

.. Applicant

vs

1.State of Maharashtra

2. Ms Bhavna Pawankumar Singh

3.The Sr.Inspector of Police

D.N.Nagar Police Station

.. Respondents

Mr.A.R.Godhia for Applicant

Mr.S.R.Shinde APP for State

Mr.S.J.Vaidya for Respondent no.2

Mr.Aninda Netal Seal Applicant and Ms.Bhavna Pawankumar Singh

Respondent no.2 present in Court.

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

DATE : 20 JUNE, 2017.

P. C. :

1. Heard learned counsel for the Applicant, Respondent no.2 and the learned APP for the State.

2. The Petition is filed for quashing of FIR bearing C.R.No.704 of 2016 registered with D.N.Nagar police station. The said FIR is registered at the instance of Respondent no.2 for the offence punishable under sections 354 and 323 of IPC.

3. The learned Counsel appearing for the respective parties submitted that pending the investigation of subject FIR, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual

settlement. Pursuant to the same, present Application is filed for quashing the subject FIR against the applicant.

4. Affidavit dated 19.6.2017 has been filed by Respondent no.2. In paragraph 2 and 3 she has stated that she has lodged the complaint against the Applicant due to misunderstanding and now they have settled their dispute amicably out of Court and she has decided not to agitate the grievance further against each other and she is making the affidavit to give her no objection for quashing the C.R.No.704 of 2016 registered by her against the Applicant.

5. The Respondent no.2 is personally present in Court. On a specific query by this Court, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence and has no objection for quashing the subject FIR.

6. It can thus, be seen that the matter has been amicably settled between the parties. From a perusal of complaint, it transpires that the allegations are totally personal in nature. 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 *Madan Mohan Abott vs State of Punjab (2008) 4 SCC 5821*, we find that no purpose would be served by keeping the subject FIR alive pending except ultimately burdening the Criminal Courts which are already overburdened.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs State of Punjab (2014 AIR SCW 20651) we are of the considered view that there is no impediment in quashing the subject FIR.

8. Accordingly, the Application is allowed in terms of prayer clause (1). As the police machinery and Court machinery was used by the parties to settled their private disputes as a corollary of differences of opinion, we find that it would be appropriate to saddle the Applicant with the cost of Rs.10,000/- which shall paid to the “TATA MEMORIAL HOSPITAL” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, the Application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as non-est. Registry will then intimate the concerned police station/Magistrate that subject FIR/C.R.No.704 of 2016 shall not be treated to have been quashed and that Police/Magistrate shall proceed against the Applicant in accordance with law.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]

