

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 156 OF 2017

Shivaji Bhagwan Patil. ..Applicant.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Datta Mane for the Applicant.
Mrs. M. M. Deshmukh, APP for the State.
Ms. Radhika Samant for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.
Date : **July 19, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant, the learned Counsel appearing for the Respondent No.2 and the learned APP for the State.
2. The petition is filed for quashing the FIR bearing CR. No. 89 of 2015 registered with Atpadi Police Station, Sangli for the offence punishable under section 324 read with 34 of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No. 2.
3. The learned Counsel appearing for the respective parties submitted that pending investigation with the help and intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR, by consent of

Respondent No. 2.

4. Respondent No. 2 has filed an affidavit dated 19th July 2017. In paragraph 5 of the said affidavit, he has given no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR registered at his instance against the Petitioner for the offence punishable under sections 324 read with 34 of the Indian Penal Code, 1860.

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. There is no element of public law involved in the crime. 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 Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. 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 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, petition is made absolute in terms of prayer clause (a).

7. At this stage, the learned Counsel appearing for the Petitioner submitted that Atpadi Police Station after completion of investigation in the subject FIR, have filed B-summary report before the JMFC Atpadi. The said B-summary report is yet pending.

8. As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner as well as Respondent No. 2 with the cost of Rs.5,000/- each, which shall be 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 Petitioner and Respondent No. 2 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 receipts within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]