

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 232 OF 2017

Mr. Amrit Manghnani and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Hrishikesh M. Mundargi i/b. Mr. Subir Sarkar, advocate for the applicants.
Mr. K. V. Saste, APP for the State.
Mr. S. D. Pandey i/b. Mr. J. S. Pandey, advocate for the respondent No.2

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

DATE : 15th JUNE, 2017.

P. C. :

Heard Mr. Mundargi, learned counsel for the applicants,
Mr. Pandey, learned counsel for the respondent No.2 and Mr. Saste,
learned APP for the State.

2. The criminal application is filed for quashing and setting-aside the FIR bearing CR No.80 of 2014 registered with Economic Offences Wing, Unit-III, Mumbai (Erstwhile CR No.388 of 2014 registered with the Khar Police Station) at the instance of respondent No.2 for the offences punishable under Sections 420, 120-B, 465, 467 and 468 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute by executing deed of settlement dated 11th March, 2015. A copy of the said deed of settlement is annexed at "Exhibit C", Page 20. In terms of the settlement deed, the parties have approached this Court for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 9th March, 2017. In paragraph 7, he has given "No Objection" for quashing the subject FIR. Both, the applicants and respondent No.2, are present before the Court. They stated that the terms and conditions of the settlement deed are already complied with. The statement is accepted.

4. Respondent No.2 also stated that he has gone through the contents of the application and the affidavit, and he has understood the same. On being questioned, he specifically stated that he has "No Objection", if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing 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 the 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 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.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the applicants to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The applicants 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.

7. Subject to above, the criminal application stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]