

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

CRIMINAL APPLICATION NO.307 OF 2017

Binaya Kumar B. Das & Anr.

.... Applicants

versus

The State of Maharashtra & Ors.

... Respondents

.....

- Mr.Vinod Kashid, Advocate for the Applicants.
- Mrs.M.H. Mhatre, APP for the State/Respondent.
- Ms.P.P. Vare i/b. Prakash Vare, Advocate for the Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 01st JULY, 2017.**

P.C. :

1. Heard the learned counsel for the applicant, respondent Nos.2 & 3 and the learned APP.

2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing C.R.No.I-144/14, registered with Talaja Navi Mumbai

Police Station. The said FIR is registered against the petitioner at the instance of respondent No.2 for the offences punishable u/s 403, 401, 420 of the Indian Penal Code and Section 43(B) r/w 66, 72(A) of Information Technology Act.

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

4. The FIR is filed by the respondent No.2 Raunak Suresh Singh, Deputy Manager from Alkem Laboratories Ltd. The said company, by passing resolution in the meeting of Board of Directors held on 21/12/2010, authorized respondent No.3 Ashok Priyadarshi to authorize to do all acts, deeds and actions in connection with the legal matters for and on behalf of company. The respondent No.3 Ashok Priyadarshi accordingly by authority letter dated 20/03/2017 authorized the respondent No.2 to file an affidavit in this Court giving no objection for

quashing of the subject FIR. The authority letter is placed on record. The respondent No.2 accordingly has filed an affidavit dated 25/02/2017. By making the averments in paragraph No.5 he has sought permission to withdraw the said FIR. The respondent Nos.2 and 3 are personally present before the Court. On being questioned, they specifically stated that they have gone through the affidavit and have fully understood the contents thereof and have no objection, if the subject FIR is quashed and set aside. They also stated that they are 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 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.10,000/- by the applicants to the **“Tata Memorial”** an institution that takes care of the advanced and terminally ill cancer patients. 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 off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)