

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1121 OF 2017

Mr. Kurush Irani & Ors.] ... Petitioners

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Subodh Desai i/b Mr. Anuj Jhaveri for Petitioners.

Mr. K. V. Saste, APP for State.

Mr. S. K. Jain i/b S. K. Jain & Associates for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 18 JULY, 2017

P. C. :-

1. Heard the learned Advocate for petitioners, the learned Advocate for respondent no.2 and the learned APP.

2. The petition is filed for quashing the criminal cases bearing R.C.C. No.433 of 2015 pending on the file of the learned Judicial Magistrate First Class, Kalyan and R.C.C. No.510 of 2015 in the Juvenile Justice Board. Both the criminal cases arise out of registration of FIR bearing C.R.No.I-53 of 2013 registered at the instance of the respondent no.2 with Bazarpeth Police Station, Kalyan,

for the offences punishable under Sections 385, 143, 147, 149, 427 and 506 of the IPC.

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

4. The respondent no.2 accordingly filed an affidavit dated 15/03/2017. In para 4, he has stated that he has no objection for quashing the subject FIR.

5. The respondent is personally present in the Court. On a specific query, he states that he has gone through the affidavit as well as the contents of the petition. In the above circumstances, he has no objection to quash the subject FIR. He has also stated that he has given no objection out of his free will and without any force or coercion.

6. 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*¹, we find that no purpose would be served by keeping the criminal

¹ 2014 AIR SCW 2065

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.

7. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- (Rupees Twenty Thousand Only) to be deposited in Tata Memorial Cancer Hospital. The petitioners 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 petition shall stand dismissed automatically without further reference to the Court.

8. Subject to above, the petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)