

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 362 OF 2017

Hanumant Kundalik Padekar and ors.	Applicants
versus	
The State of Maharashtra and anr.	Respondents

Mr. P. G. Sarda, advocate for the applicants.
Mr. N. B. Patil, APP for the State.
Mr. Ranjeet Patil, advocate for the respondent No.2.

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

DATE : 29th JUNE, 2017.

P. C. :

Heard Sarda, learned counsel for the applicants, Mr. Patil learned counsel for the respondent No.2 and Mr.Patil, learned APP for the State.

2. The applicants have filed the present petition for quashing the FIR bearing CR No.264 of 2017 registered with Chakan Police Station, Mumbai, at the instance of respondent No.2 against the applicants for the offences punishable under Sections 142, 147, 504 and 506 of the Indian Penal Code, 1860 and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

4. The respondent No.2-original complainant as well as one Mr. Sham Gadrel-victim have filed separate affidavits dated 21st March, 2017. In their respective affidavits, they have specifically stated that the subject FIR may be quashed as they have no grudge against the applicants. Both the respondent No.2-original complainant and the victim – Sham Gadrel are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and the affidavits as well, and have understood the contents thereof. They further confirmed that they are giving no objection for quashing and setting aside 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

subject FIR 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 writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.30,000/- by the applicants (Rs.5000/- to be paid by each applicant) to Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said costs and produce the receipts 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 is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]