

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 380 OF 2017

Lokesh Ramgopal Agarwal. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. P. B. Pawar for the Applicant.

Mr. N. B. Patil, APP for the State.

Mrs. Mallika A. Ingale for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **June 30, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant and Respondent No. 1. Application is filed seeking quashment of the FIR bearing No. CR. No.3 of 2017 registered with Bhangur Nagar Police Station at the instance of Respondent No. 2 for the offence punishable under section 354-A(1)(i), (iii), (iv), 500, 504 and 506 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at them, present

application is filed for quashing the above FIR, by consent of Respondent No. 2.

3. Affidavit dated 27th March 2017 has been filed by Respondent No. 2. In the said affidavit, she has stated that she is not interested in continuing with the criminal prosecution of the Applicant. She has solemnly affirmed that she has no objection for quashing the subject FIR against the Applicant. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR in question initiated by her against the Applicant.

4. 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. 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.

5. 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, application is allowed in terms of prayer clause (a). 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 Applicant with the cost of Rs.25,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant 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 receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]