

CRIMINAL APPLICATION NO.498 OF 2017

Pintya @ Arun Baban Rathod & Ors. Applicants
versus
The State of Maharashtra & Anr. ... Respondents
.....

- CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 24th JULY, 2017.**

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.
2. The application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing C.R.No.361/17, registered with Chakan Police Station, Pune. The said FIR is registered against the applicant at the instance of respondent No.2 for the offences punishable u/s 326, 324, 504, 506 r/w 34 of the Indian Penal Code.

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. The respondent No.2 has filed an affidavit dated 19/06/2017. In paragraph No.5, he has stated that in view of the settlement he does not want to pursue the subject FIR against the applicants.
4. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and 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 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the applicants to the “**Maharashtra State Legal Aid Services Authority**”. 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 is disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)