

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.1926 OF 2017**

Rahul Dilip Kopikar & Ors.] ... Petitioners

Versus

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

Mr. K. A. Kharawala i/b M/s. Lex Juris for Petitioners.

Ms. S. D. Shinde, APP for State.

Ms. Tejashri Ghag i/b Mr. Sahil Mahajan for Respondent No.2.

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

DATE :- 12 JULY, 2017

P. C. :-

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

2. The petition is filed for quashing the criminal case No.275/PW/2017 pending on the file of learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai. The said criminal case arises out of registration of the FIR bearing C.R.No.307 of 2016 registered at the instance of the respondent no.2 with Vikhroli Police Station, Mumbai, for the offences punishable under Sections 392, 341, 504 and 506 r/w 34 of the IPC.

3. Pending trial, 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 18/04/2017. In para 2 of the affidavit, he has stated that the disputes and differences between himself and the petitioners have been amicably settled and now there are no differences between them. In para 3, he has stated that the petitioners' application for discharge may be allowed.

5. The respondent no.2 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.10,000/- to be deposited in the 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.)