

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 514 OF 2017

Prakash Jethalal Gandhi and Others. ..Applicants.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Nilesh Kadam for the Applicant.
Ms. S. D. Shinde, APP for the State.
Mr. Aashish Satpute for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.
Date : **June 14, 2017.**

P. C. :

1. Heard learned Counsel appearing for the Applicants, the learned Counsel appearing for the Respondent No. 2 and learned APP for the State. The present application under section 482 of the Code of Criminal Procedure, 1973 is filed for quashing the FIR bearing CR No. 1678 of 2017 registered with Wakad Police Station on 19th March 2017. The said FIR is registered against the Applicants at the instance of Respondent No. 2 for the offence punishable under section 328 and 420 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into subject FIR, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of

mutual settlement. Pursuant to the same, present application is filed for quashing the above FIR by consent of Respondent No. 2.

3. Affidavit dated 14th June 2017 has been filed by Respondent No. 2. In paragraph 3 of the said affidavit, she has no objection for quashing the subject FIR registered against the Applicants at her instance.

4. 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.

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. There is no element of public law involved in the crime. 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 FIR in question alive except ultimately burdening the Criminal Courts which are already overburdened.

6. 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 16(i).** As the police machinery and Court machinery was put into motion by the parties, we find it would be appropriate to saddle the Applicants with the cost of Rs.20,000/-, which shall be paid to "TATA Memorial Hospital". For the quashment to take effect, the Applicants 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 FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police shall proceed against the Applicants in accordance with law.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]