

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1964 OF 2017

Rakesh Ramlal Gupta and Another. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. A. M. Sarogi for the Petitioners.

Mrs. M> M. Deshmukh, APP for the State.

Mrs. Gadi Isha Chandraprakash for Respondent No. 2.

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

Date : **July 19, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent No. 2 and the learned APP for the State.

2. The petition is filed seeking quashment of the FIR bearing CR. No. 304 of 2016 registered with Kurar Police Station, Mumbai for the offence punishable under sections 324, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and section 37(1)(A) read with 135 of the Maharashtra Police Act. The said FIR is registered at the instance of Respondent No. 2 herein.

3. The learned Counsel appearing for the respective parties submitted that pending investigation, parties settled their disputes amicably and in pursuance of the understanding arrived at between

them, have approached this Court for quashing of the subject FIR, by consent.

4. Respondent No. 2 – the complainant as well as injured / aggrieved persons, namely, Upendra Sharma and Upendra Saroj have filed individual affidavits and solemnly affirmed that they have no objection for quashing of the subject FIR against the Petitioners. Respondent No.2 as well as those injured persons are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR in question registered at the instance of Respondent No.2, against the Petitioners.

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

subject FIR 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, petition is made absolute in terms of prayer clause (a). As the police machinery and the 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 Petitioners with the cost of Rs.10,000/-, which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners 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, petition 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.]