

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.538 OF 2017

Bijoy Kutty & Anr.

.... Applicants

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.V.D. Upadhyay, Advocate for the Applicants.
- Mr.K.V. Saste, APP for the State/Respondents.
- Mr.Vinesh Jain a/w B.D. Shinde, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 19th JUNE, 2017.

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.
2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing M.E.C.R.No.7/17, registered with Mulund Police Station, Mumbai. The said FIR is registered against the petitioner at the instance of respondent No.2 for the offences punishable u/s 386, 395, 397 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 FIR by consent. Respondent No.2 has filed an affidavit dated 30/05/2017. In paragraph No.4, he has stated that he has no objection for quashing and setting aside the subject FIR. 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.

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. 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 criminal 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicants to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The applicants shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically, without further reference to the Court.
6. Subject to above, the criminal application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)