

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.556 OF 2017**

1.Ramanlal Bansilal Parakh
2. Milind Ramanlal Parakh .. Applicants
vs
1.State of Maharashtra
2.Surendra Maniklal Mutha .. Respondents

Mr.S.P.Dighe for Applicants
Ms.S.D.Shinde APP for State
Mr.Pawan Mali I.b Mr.K.R.Mali for Respondent no.2
Mr.Surendra Maniklal Mutha
Respondent no.2 present in Court

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

DATE : 20 JUNE, 2017.

P. C. :

1. Heard learned counsel for the Applicants, Respondent no.2 and learned APP for the State.

2. The Application is filed for quashing of FIR bearing C.R.No.356 of 2016 registered with Indira Nagar Police Station, Nasik. The said C.R/FIR is registered for the offence under sections 420, 465,467 and section 34 of IPC at the instance of Respondent no.2 against the Applicants

3. Pending investigation, parties have settled their disputes amicably and have approached this Court for quashing of the subject FIR, by consent. The respondent no.2 has filed an affidavit dated 11.4.2017. In para 4, he has given no objection to quash C.R.No.356 of 2016 registered against the Applicants at Indira Nagar Police Station, Nasik.

4. Respondent no.2 is personally present in Court. On a specific query made by us he has submitted that he has gone through the contents of the said affidavit and has understood the same. He further stated that he has made the said affidavit out of his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question initiated by him against the Applicants for the offences punishable under sections 420, 465, 467 and section 34 IPC.

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, the Application is allowed in terms of prayer clause (a). As the police machinery and 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 Applicants with the cost of Rs.50,000/-, to be paid equally 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 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 proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station/Magistrate that subject FIR shall not be treated to have been quashed and that police/Magistrate shall proceed against the Applicants in accordance with law.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]

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