

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2262 OF 2017

Mr. Nitin Chandrakant Sawant & Ors.] ... Petitioners

Versus

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

Mr. S. M. Pawar for Petitioners.
Mr. N. B. Patil, APP for State.
Mr. D. M. Shinde for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 6 JULY, 2017

P. C. :-

1. Heard the learned Advocate for the petitioners, learned Advocate for the respondent no.2 and the learned APP.
2. The petition is filed for quashing the FIR bearing C.R.No.28 of 2017 registered at Sahar Police Station, at the instance of respondent no.2, for the offences punishable under Sections 323, 143, 147, 149 and 504 r/w 34 of the IPC.

3. Pending investigation, the parties settled their disputes amicably and approached this Court for quashing the subject FIR by consent.

4. The respondent no.2 as well as other aggrieved persons namely Mr. Narendra Kumar Ram Prakash and Mr. Giri Raj Mahabir have filed support affidavits dated 01/04/2017 and 28/06/2017 respectively. In para 2, they have stated that they have no objection for quashing the subject FIR. The respondent no.2 who is present in Court, on a specific query, states that he has gone through the petition and the affidavit and he has understood the contents thereof and he has no objection to quash the subject FIR against the petitioners. He has also stated that he has given consent out of his free will and without any force or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the respective complaints, 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 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.

¹ 2014 AIR SCW 2065

6. In view of the above, the petition allowed in terms of prayer clause (a). Consequently, the subject FIR is quashed subject to costs of Rs.35,000/- (Rupees Thirty Thousand Only), to be paid equally by each of the petitioner to the Tata Memorial Hospital. The petitioners shall pay the said costs of Rs.35,000/- equally and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which the Criminal Application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, petition stand disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)