

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 2365 OF 2017**

Ashwarai Prasad and Others. ..Petitioners.  
*Versus*  
Neeta Kishore Rane and Another. ..Respondents.

Mr. I. A. Bagaria for the Petitioner.  
Mr. S. R. Shinde, APP for the State.  
Mr. S. P. Kadam for Respondent No. 1.

Coram : RANJIT MORE &  
SARANG V. KOTWAL, JJ.  
Date : **July 7, 2017.**

**P. C. :**

1. Heard the learned Counsel appearing for the respective parties. Petition is filed for quashing the FIR bearing CR.No.580 of 2016 registered with Dindoshi Police Station at the instance of Respondent No. 1, for the offence punishable under sections 406, 408, 420, 463, 465, 477A, 468, 471 read with 120B of IPC.
2. The learned Counsel appearing for the respective parties submitted that pending investigation of above FIR, parties settled their disputes amicably and accordingly filed consent terms in Arbitration Petition No. 467 of 2016 before this Court. In terms of those settlement, parties have approached this Court for quashing the subject FIR, by consent.
3. Respondent No. 1 has filed affidavit dated 7<sup>th</sup> July 2017.

In paragraph 4, she has prayed for quashing the subject FIR.

4. Respondent No.1 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 criminal proceedings in question initiated by her 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 the subject FIR.

Accordingly, petition is made absolute in terms of prayer clause (a). As the police 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.20,000/-, which shall be paid to "**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.]