

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.633 OF 2017

Mr. Rakesh Vasant Salunke.] ... Applicant

Versus

1. The State of Maharashtra,]
2. Mr. Pradipta Prashanto Satra.] ... Respondents

Mr. Himanshu Shinde for Petitioner.
Mr. J. P. Yagnik, APP for State.
Ms. Raksha R. Dhotri for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 12 JULY, 2017

P. C. :-

1. Heard the learned Advocate for applicant, the learned Advocate for respondent no.2 and the learned APP.

2. The Criminal Application is filed for quashing FIR bearing C.R.No.212 of 2017 registered at the instance of the respondent no.2 with D. N. Nagar Police Station, Mumbai, for the offences punishable under Sections 385, 387, 342, 506(i), 323 and 504 of the IPC and under Sections 3 and 25 of the Arms Act.

3. Pending investigation, the parties settled their dispute amicably and in pursuance of the understanding arrived at between

them, they have approached this Court for quashing and setting aside the subject FIR by consent.

4. The respondent no.2 accordingly filed an affidavit dated 12/07/2017. In para 12, he has given no objection for quashing the subject FIR.

5. The respondent no.2 is personally present in the Court. On specific query, he states that he has gone through the affidavit as well as the contents of the petition. In the above circumstances, he has no objection to quash the subject FIR. He has also stated that he has given no objection out of his free will and without any force or coercion.

6. 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*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

7. Accordingly, the Criminal Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) to be deposited in the Tata Memorial Cancer Hospital. The applicant shall pay the said costs 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.

8. Subject to above, the Criminal Application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)