

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.651 OF 2017

Mahendra Ganpat Mohite.] ... Applicant

Versus

1. State of Maharashtra,]
2. Shashikant Atmaram Surve.] ... Respondents

Mr. S. D. Tandel for Applicant.
Mr. S. R. Shinde, APP for State.
Mr. P. V. Vare for Respondent No.2.

AND

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1. State of Maharashtra,]
2. Mr. Mahendra Ganpat Mohite.] ... Respondents

Mr. P. V. Vare for Applicant.
Mrs. M. H. Mhatre, APP for State.
Mr. S. D. Tandel for Respondent No.2.

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

DATE :- 6 JULY, 2017

P. C. :-

1. Leave to amend. Amendment to be carried out forthwith.

2. Both these applications arise out of cross FIRs. The parties seek quashment of these FIRs by consent and therefore these applications are being disposed of by this common order.

3. The FIR bearing C.R.No.190 of 2014 was registered by the Cuffe Parade Police Station at the instance of Shashikant Surve against Mahendra Mohite, under Sections 326 and 504 of the IPC. The FIR bearing C.R.No.189 of 2014 was also registered by the Cuffe Parade Police Station at the instance of Mahendra Mohite against Shashikant Surve, under Sections 326, 323 and 504 of the IPC. So far as C.R.No.190 of 2014 is concerned, after completion of investigation, charge-sheet came to be filed in the Court of learned Additional Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai, which is numbered as C.C.No.370/PW/2015 and so far as C.R.No.189 of 2014 is concerned, after completion of investigation, charge-sheet was filed in the Court of learned Additional Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai, which is numbered as C.C.No.371/PW/2016.

4. During pendency of the above criminal cases, the parties settled their disputes amicably and in pursuance of the understanding arrived at between them, approached this Court for quashing the same by consent. Shashikant Surve is the complainant in C.R.No.190 of 2014. He has filed an affidavit dated 11/05/2017. By the averments made in paragraph nos.3 and 4 of the said affidavit, he has given no objection to quash C.R.No.190 of 2014 registered at Cuffe Parade

Police Station. Mahendra Mohite is the complainant in C.R.No.189 of 2014. He has also filed an affidavit dated 11/05/2017 wherein he has made averments in paragraph nos.3 and 4 and given no objection for quashing of the C.R.No.189 of 2014.

5. Both Shashikant Surve and Mahendra Mohite, the respective complainants in subject FIRs, are present before the Court. On the specific query, they say that they have gone through the contents of the respective petitions and they have no objection to quash and set aside the proceedings of the subject criminal cases against each other. They have also stated they have given consent out of their 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 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

7. In view of the above, both the applications are allowed in terms of prayer clause (a). Consequently, FIRs in both the cases are quashed subject to costs of Rs.10,000/- (Rupees Ten Thousand Only), to be paid by each of the applicant to the Tata Memorial Hospital. The applicants shall pay the said costs of Rs.10,000/- each 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 both the Criminal Applications stand disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)