

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2506 OF 2017

Mr. Pramod Shrimant Pawar & Ors.] ... Petitioners

Versus

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

Mr. Prashant S. Thombre for Petitioners.

Mr. S. R. Shinde, APP for State.

Mr. Pawan Mali for Respondent No.2.

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

DATE :- 18 JULY, 2017

P. C. :-

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

2. The petition is filed for quashing criminal case bearing no.0300829/PW/2015 pending on the file of the learned Metropolitan Magistrate, 13th Court, Bhoiwada, Mumbai. The said criminal case arises out of registration of FIR bearing C.R.No.271 of 2015 registered at the instance of the respondent no.2 with R.A.K. Marg Police Station, Mumbai, for the offences punishable under Sections 307, 324 and 212 of the IPC; so also under Sections 37(1)(A) and 135 of the Bombay Police Act.

3. After completion of investigation, the charge-sheet was filed by the Investigating Officer in the Court of the learned Metropolitan Magistrate, 13th Court, Bhoiwada, Mumbai, who, in turn, committed the same to the Court of Sessions. The learned Additional Sessions Judge, however, passed the order dated 23/11/2016 stating that the case be remitted back to the learned Magistrate upon framing of charge under Sections 324 and 212 r/w 34 of the IPC and under Sections 37(A) r/w 135 of the Bombay Police Act to the learned Chief Metropolitan Magistrate who, in turn, assign this case for trial to the proper Metropolitan Magistrate.

4. 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.

5. The respondent no.2 – complainant as well as the respondent no.3 – injured have filed their separate affidavits dated 13/07/2017. In para 2, they have given no objection for quashing the proceedings of the subject criminal case.

6. The respondent nos.2 and 3 are personally present in the Court. On specific query, they state that they have gone through their respective affidavits as well as the contents of the petition. In the above circumstances, they have no objection to quash the subject FIR. They have also stated that they have given no objection out of their free will and without any force or coercion.

7. 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.

8. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- (Rupees Twenty Thousand Only) to be deposited in Tata Memorial Cancer Hospital. The petitioners 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 petition shall stand dismissed automatically without further reference to the Court.

9. Subject to above, the petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ 2014 AIR SCW 2065