

Ms. Krupali H. Rajani, advocate for the petitioner.
Mr. R. R. Shaikh, APP for the State.
Ms. Saroj N. Jadhav, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-
JOSHI, JJ.**

DATE : 22nd NOVEMBER, 2017.

P. C. :

Heard Ms. Rajani, learned counsel for the petitioners, Ms. Jadhav, learned counsel for the respondent No.2 and Mr. Saste, learned APP for the State.

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.I-201/2014 registered with Shahpur Police Station at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 420 and 34 of the Indian Penal Code, 1860.

3. The petitioners are goldsmiths and the respondent No.2 is the customer. The allegation, in short, is that the petitioners have sold one mangalsutra to the respondent No.2/complainant representing its

weight as 12 gms. However, on enquiry, the respondent No.2 was told that the weight of the mangalsutra was less by 1.950 gms..

4. Pending investigation, the parties settled their dispute amicably. The petitioners have replaced the said mangalsutra and the respondent No.2 is satisfied and now has no grievance about the same. The parties have accordingly entered into compromise and thereafter, approached this Court for quashing the subject FIR by consent. The respondent No.2 filed an affidavit dated 20th November, 2017. In paragraph 5 thereof, she has given her no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

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. 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 [2014 AIR SCW 2065]**, we find

that no purpose would be served by keeping the FIR 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.

6. By an order dated 18th July, 2014 passed in the above writ petition, this Court had issued notice to respondent Nos.1 and 2 with directions to the investigating officer not to take any coercive steps against the petitioners in the subject crime, subject to petitioners depositing an amount of Rs.15,000/- in this Court within one week from the date of passing of the order. The petitioners, in pursuance of the said order, deposited Rs.15,000/- in this Court. The learned counsel appearing for the petitioners as well as respondent No.1 stated that the petitioners may be permitted to withdraw this amount and be directed to pay the same by way of costs to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. In view of the understanding between the learned counsel appearing for the respective parties, we permit the petitioners to withdraw the said amount and after withdrawing the same, direct the petitioners to deposit the same in cash to Tata Memorial Cancer Hospital, Mumbai, towards costs.

7. The writ petition is, accordingly, allowed in terms of prayer clause(b) subject to payment of costs as mentioned above. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of six weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]