

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2569 OF 2017

Dushyant Giri and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Sanjeev Sawant i/b. Mr. Abhishek P. Deshmukh, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. Akhil Kapade i/b. Manoj Harit and Co., advocates for the respondent No.2.

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

DATE : 4th JULY, 2017.

P. C. :

Heard Mr. Sawant, learned counsel for the petitioners,
Mr. Kapade, learned counsel for the respondent No.2 and Mr.Saste,
learned APP for the State.

2. The petition is filed for quashing the FIR No.444 of 2015 registered with Pant Nagar Police Station, Ghatkopar, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 141, 143, 146, 147, 149, 323, 324, 504 and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and have, accordingly, filed consent terms in the writ petition (lodging) No. 1041 of 2016. In terms of this settlement, the parties have approached this Court for quashing the subject FIR by consent. The respondent No.2 filed an affidavit dated 4th July, 2017. In paragraph 7 thereof, she has prayed for quashing the 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 is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

4. 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 subject 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.11,000/- by the petitioners to Kirtikar Law Library. 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]