

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 683 OF 2017

Rakesh Bhagoji Khedekar.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Satyam Dube for the Applicant.

Mrs. M. H. Mhatre, APP for the State.

Mr. S. R. Shukla for Respondent No. 2.

Coram : Ranjit More &
A. S. Gadkari, JJ.

Date : **July 27, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant, the learned Counsel appearing for the Respondent No. 2 and the learned APP for the State.

2. The application is filed for quashing and setting aside the FIR bearing CR. No.I-305 of 2017 registered with Virar Police Station, district Palghar at the instance of Respondent No. 2 for the offence punishable under sections 406 and 420 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation of above FIR, with the help and intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present

application is filed for quashing the above FIR, by consent of Respondent No. 2.

4. Respondent No. 2 has filed an affidavit dated 19th July 2017. In paragraph 4 he has given no objection to quash the subject FIR. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the Applicant.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, application is allowed in terms of prayer clause (a). As the police machinery was used by the parties to settle their private disputes as a

corollary of differences of opinion, we find it would be appropriate to saddle the Applicant with the cost of Rs.10,000/-, which shall be paid to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce the receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[A. S. GADKARI, J.]

[RANJIT MORE, J.]