

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2656 OF 2017**

Sanjay Devram BhoirPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. A. P. Mundargi, senior advocate along with Mr. R. D. Suryawanshi,
advocate for the petitioner.
Mr. A. R. Kapadnis, APP for the State.
Mr. Chirag Sancheti, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 22nd AUGUST, 2017.

P. C. :

Heard Mr. Mundargi, learned senior advocate for the petitioner, Mr. A. R. Kapadnis, learned APP for the State and Mr. Sancheti, learned counsel for the respondent No.2.

2. The criminal petition is filed for quashing and setting-aside the FIR bearing CR No. I-74 of 2017 registered with Kapurbavadi Police Station, Thane, at the instance of respondent No.2, for the offences punishable under Sections 385, 386, 504 and 506(II) of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and have entered into consent terms, a copy of which is

annexed at page 30. In pursuance of an understanding arrived at between the parties, the present petition is filed for quashing the subject FIR by consent. The respondent No.2 has, accordingly, filed an affidavit dated 1st August, 2017. In paragraph 5, he has given his no objection for quashing and setting-aside the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, consent terms and affidavit, and has fully understood the contents thereof. He also confirmed that he 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 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the petitioner to the **“High Court Legal Aid Services Committee, Mumbai”**. The petitioner 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 criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]