

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2728 OF 2017

Krishna Kumar V. Nair.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. A. M. Chopra for the Petitioner.

Mrs. M. M. Deshmukh, APP for the State.

Mrs. Ashwin Rasal for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **July 19, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent No. 2 and the learned APP for the State. The petition is filed for quashing the FIR bearing CR. No. 239 of 2017 registered with D.N.Nagar Police Station at the instance of Respondent No. 2 for the offence punishable under sections 354, 323 and 506 of IPC.

2. The learned Counsel appearing for the respective parties submitted that pending investigation of the above FIR, parties settled their disputes amicably and have approached this Court for quashing the subject FIR by consent of Respondent No. 2. Respondent No. 2 has filed affidavit dated 11th July 2017. In paragraphs 7, 8 and 9 she has given no objection for quashing the subject FIR since the disputes

between the parties have been settled. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR in question registered by her against the Petitioner.

3. 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.

4. 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, petition is made absolute in terms of prayer clause (c). As the police

machinery and the Court 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 Petitioner with the cost of Rs.5,000/-, which shall be paid to the “**Shanti Avedhna**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner 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 receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]