

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2735 OF 2017

Hiralal Ramkrishna Dalalkar	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Sachin Deokar, advocate for the petitioner.
Mrs. M. H. Mhatre, APP for the State.
Mr. Vikrant Phatate, advocate for the respondent No.2.

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

DATE : 26th JULY, 2017.

P. C. :

Heard Mr. Deokar, learned counsel for the petitioner, Mr. Phatate, learned counsel for the respondent No.2 and Mrs. Mhatre, learned APP for the State.

2. The petition is filed for quashing the FIR bearing CR No. 34 of 2016 registered with Samarth Police Station, Pune, at the instance of the respondent No.2 against the petitioner for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between

them, they have approached this Court for quashing the subject FIR by consent. The respondent No.2 filed an affidavit dated 4th July, 2017. In paragraph 5 thereof, he has given his no objection for quashing 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 and affidavit as well and has fully understood the contents thereof. He has further 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 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.5,000/- by the petitioner to

Kirtikar Law Library. 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 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.]