

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 733 OF 2017

Ashok Ahuja.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Swapna P. Kode for the Petitioner.

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

Ms. Lochan Chandka 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 Applicant, the learned Counsel appearing for the Respondent No.2 and the learned APP for the State.
2. This application is filed seeking quashment of FIR bearing CR. No.213 of 2017 registered with Khar police station, Mumbai at the instance of Respondent No.2 for the offence punishable under section 420 of the Indian Penal Code, 1860.
3. The learned Counsel appearing for the respective parties submitted that pending investigation 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 of the said affidavit, he has stated that in view of the amicable settlement of disputes he has no objection for quashing the subject FIR registered at his instance against the Applicant. 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 FIR in question initiated by him against the Applicant for the offence punishable under sections 420 of the Indian Penal Code, 1860.

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 and 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 Applicant with the cost of Rs.10,000/-, which shall be paid to **“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 receipt within stipulated time, present application 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.]