

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 737 OF 2017

Avneesh Singh and Others. ..Applicants.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. A. P. Mundargi, Senior Advocate along with Hrishikesh Mundargi
for the Applicant.

Mr. K. V. Saste, APP for the State.

Mr. Sanjeev Pnalekar 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 Applicants,
the learned Counsel appearing for the Respondent No. 2 and the
learned APP for the State.

2. The application is filed invoking the jurisdiction of this
Court under section 482 of the Code of Criminal Procedure, 1973
seeking quashment of FIR bearing CR.No. 420 of 2015 registered with
Rabale Police Station, Navi Mumbai at the instance of Respondent No.
2 for the offence punishable under sections 406, 420, 465, 467, 468,
471 read with 34 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties
submitted that pending investigation parties settled their disputes

amicably and executed memorandum of understanding dated 21st June 2017 and in terms of such understanding arrived at between them, they have approached this Court for quashing of the subject FIR by consent.

4. Respondent No. 2 has filed affidavit dated 13th July 2017. In paragraph 5 of the said affidavit he has given no objection for quashing of 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 registered at his instance against the Applicants.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, 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 Applicants with the cost of Rs.25,000/-, 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 Applicants 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, 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.]