

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 739 OF 2017

Mr. Avneesh Singh and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Hrishikesh Mundargi, advocate for the applicants.
Mrs. M. M. Deshmukh, APP for the State.
Mr. Sanjeev Punalekar, advocate for the respondent No.2.

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

DATE : 20th JULY, 2017.

P. C. :

Mentioned for production. Upon mentioning, taken up on
production board.

2 Heard the learned counsel and learned APP appearing for the
respective parties.

3. The criminal application is filed for quashing the FIR bearing
C.R.No. 203/2015 registered with Khandeshwar Police Station, Navi
Mumbai, at the instance of the respondent No.2, for the offences
punishable under Sections 406, 420, 409, 465, 467, 468 and 471 read
with Section 34 of the Indian Penal Code, 1860.

4. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the subject FIR by consent. The respondent No.2 has filed an affidavit dated 13th July, 2017. In paragraph 4, 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 and the affidavit as well and has fully understood the contents thereof. He 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.

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. 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 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.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicants to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal application stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]