

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2828 OF 2017

Mr. Ramdas Vishwakarma and anr.	..Petitioners
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Vijay Agale, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Ms. Sujata Patil i/b. Ms. Nirmala Bhosale, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-
JOSHI, JJ.**

DATE : 28th NOVEMBER, 2017.

P. C. :

Heard learned counsel for the petitioners, learned counsel for the respondent No.2 and learned APP for the State.

2. The petition is filed for quashing and setting aside FIR No.192 of 2017 registered with Powai Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 354, 354-A 323, 504 and 34 of the Indian Penal Code, 1860 (for short "the IPC") and Section 11(A) of the Prevention of Cruelty to Animals Act.

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 has, accordingly, filed an affidavit dated 25th September, 2017. In last paragraph of the said affidavit, she has given her no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given 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 petitioners to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioners 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.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]