

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2966 OF 2017

Anju Arun Gupta.] ... Petitioner

Versus

The State of Maharashtra & Ors.] ... Respondents

Ms. Jessy Richard Payne i/b Mr. K. T. Thomas for Petitioner.

Mr. N. B. Patil, APP for State.

Mr. Naveen R. Chomal for Respondent No.2.

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

DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for petitioner, the learned Advocate for the respondent no.2 and the learned APP.

2. The petition is filed for quashing and setting aside the FIR bearing C.R.No.164 of 2015 registered at the instance of respondent no.3 with Dindoshi Police Station for the offences punishable under Sections 353 and 504 r/w 34 of the IPC.

3. Pending investigation, the respondent no.3 – complainant expired. The respondent no.2 is the victim / injured. The parties,

however, settled their dispute amicably and in pursuance of the understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent.

4. The respondent no.2, accordingly, has filed an affidavit dated 03/08/2017. In para 5, he has prayed for quashment of the subject FIR.

5. The respondent no.2 is personally present in the Court. On a specific query, he states that he has gone through the affidavit as well as the contents of the petition. In the above circumstances, he has no objection to quash the subject FIR. He has also stated that he has given no objection out of his free will and without any force or coercion.

6. 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*¹, we find that no purpose would be served by keeping the criminal proceedings 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.

¹ 2014 AIR SCW 2065

7. Accordingly, the petition is allowed in terms of prayer clause (B) subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited in the Tata Memorial Cancer Hospital. 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 petition shall stand dismissed automatically without further reference to the Court.

8. Subject to above, the petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)