

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2967 OF 2017

Tukaram Siddhu Devarkar & Anr.] ... Petitioners

Versus

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

Mr. Naveen R. Chomal Petitioners.

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

Ms. Jessy Richard Payne i/b Mr. K. T. Thomas for Respondent No.2.

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

DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for petitioners, 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.163 of 2015 registered at the instance of respondent no.2 with Dindoshi Police Station for the offences punishable under Sections 354, 323 and 504 r/w 34 of the IPC.

3. Pending investigation, the petitioner no.2 expired. 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 4, she has prayed for quashment of the subject FIR.

5. The respondent no.2 is personally present in the Court. On a specific query, she states that she has gone through the affidavit as well as the contents of the petition. In the above circumstances, she has no objection to quash the subject FIR. She has also stated that she has given no objection out of her 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 (A) subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited in the Tata Memorial Cancer Hospital. The petitioner no.1 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.)