

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2894 OF 2016

Dinkar Dharmaji Patil	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. S. V. Walve, advocate for the petitioner.
Mr. N. B. Patil, APP for the State.
Mr. Bhavesh Magan, advocate for the respondent No.2.

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

DATE : 22nd JUNE, 2017.

P. C. :

Heard Mr.Walve, learned counsel for the petitioner, Mr. Magan, learned counsel for the respondent No.2 and Mr. Patil, learned APP for the State.

2. The petition is filed for quashing and setting aside the FIR No.139 of 2007 registered with Gangapur Police Station at Nashik, at the instance of the respondent No.2 against the petitioner for the offences punishable under Sections 332, 353 and 504 of the Indian Penal Code, 1860.

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 petitioner has also filed an affidavit-cum-undertaking dated 22nd June, 2017. In paragraph 4 thereof, he has undertaken that the incident such as the subject matter of the FIR would not be repeated in future. He has also tendered an unconditional apology to the respondent No.2 as well as this Court. The respondent No.2 has also filed an affidavit dated 3rd August, 2016. In paragraph 4 thereof, he has stated that in view of the settlement of dispute between himself and the petitioner, he has no objection if the subject FIR is quashed and set-aside. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has understood the contents thereof and has no objection for quashing and setting-aside the subject FIR.

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

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.

5. Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.25000/- by the petitioner to **“Kirtikar Law Library”**. 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 criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]