

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3225 OF 2017

Subramanian Ananthakrishnan and Others. ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. S. R. Page for the Petitioner.

Mrs. P. P. Shinde, APP for the State.

Mr. N. S. Mundargi for Respondent Nos. 2 to 5.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **September 19, 2017.**

P. C. :

1. At the outset, Mr. Page, learned Counsel for the Petitioners seeks leave to amend the prayer clauses so as to restrict this writ petition to the quashment and setting aside of subject FIR. Leave granted. Necessary amendment be carried out forthwith.

2. Heard the learned Counsel for the Petitioner, the learned Counsel for Respondent Nos. 2 to 5 and the learned APP for the State. The petition is filed seeking to quash and set aside FIR bearing CR. No. 88 of 2017 registered with Kanjurmarg Police Station against the Petitioners at the instance of Respondent No. 2, alleging commission of the offence punishable under sections 354, 506 and 509 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation of above FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent Nos. 2 to 5. They further submitted that the Petitioner and Respondent Nos. 2 to 5 are the residents of the same society.

4. Respondent No.2 has filed an affidavit dated 8th August 2017. Similarly, common affidavit has been filed by Respondent Nos. 3 to 5. In their affidavits, Respondent Nos. 2 to 5 have solemnly stated that disputes between the parties have been amicably settled and therefore, they have no objection for quashing the subject FIR filed against the Petitioners.

5. Respondent Nos. 2 to 5 are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed

that they have no objection for quashing the subject FIR lodged by them against the Petitioners.

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. There is no element of public law involved in the crime. Parties are from the same locality. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive pending except ultimately burdening the Criminal Courts which are already overburdened. We are of the view that for maintaining peace and harmony amongst the parties, it would be just and desirable to put an end to the acrimonious disputes.

. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Hence, petition is made absolute in terms of prayer clause (b). As the police

machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/- each [Total Rs.30,000/-], which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipts thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipts within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioners in accordance with law.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]