

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3406 OF 2017**

Shri Subodh Dhanuka	..Petitioner
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Sanjay Gidh, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State,
Ms. Soniya Jatin Patekar, respondent No.2 in person.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, JJ.**

DATE : 5th OCTOBER, 2017.

P. C. :

Heard Mr. Gidh, learned counsel for the petitioner and Mrs. Pai, learned APP for the State. The respondent No.2 is present in person.

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.386 of 2016 registered with Amboli Police Station, Mumbai, at the instance of the respondent No.2 against the petitioner for the offences punishable under Sections 354-B, 409, 504, 506(II) read with Section 34 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. Accordingly, the respondent No.2 filed an affidavit dated 11th August, 2017. In paragraph 8 thereof, she has given her no objection for quashing and setting-aside 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 is giving 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 (c) subject to payment of costs of Rs.10,000/- 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed off.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]