

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1075 OF 2016

Bharati Vijay Garud and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Akhil Kapade i/b. Manoj Harit and Co., advocates for the applicants.
Mr. K. V. Saste, APP for the State.
Mr. Sanjeev Sawant i/b. Mr. Abhishek P. Deshmukh, advocate for the
respondent No.2.

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

DATE : 4th JULY, 2017.

P. C. :

Heard Mr. Kapade, learned counsel for the applicants,
Mr. Sawant, learned counsel for the respondent No.2 and Mr.Saste,
learned APP for the State.

2. The criminal application is filed for quashing the FIR No.445 of 2015 registered with Pant Nagar Police Station, Ghatkopar, Mumbai, at the instance of the respondent No.2 against the applicants for the offences punishable under Sections 143, 146, 147, 149, 323, 324, 336, 504 and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and have, accordingly, filed consent terms in the writ petition (lodging) No. 1041 of 2016. In terms of this settlement, the parties have approached this Court for quashing the subject FIR by consent. The respondent No.2 as well as the aggrieved persons viz. Mr. Kunal Kedare and Mr. Deepak Bhalerao have filed separate affidavits dated 28th June, 2017 wherein they have prayed for quashing the subject FIR. The respondent No.2 as well as the aggrieved persons viz. Mr. Kunal Kedare and Mr. Deepak Bhalerao are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof. They further confirmed that they are 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 criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.13,000/- by the applicants to Kirtikar Law Library. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal application is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]