

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3515 OF 2017

Amit Vinaykant Jha and Another. ..Petitioners.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. A. A. Patankar for the Petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Prashant Badole for Respondent No. 2.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.
Date : **October 13, 2017.**

P. C. :

1. Heard the learned Counsel for the Petitioner, the learned APP for the State and the learned Counsel for Respondent No. 2.
2. Petition is filed seeking quashment of FIR bearing CR. No. 229 of 2017 registered with Virar Police Station at the instance of Respondent No. 2 for the offence punishable under sections 394, 504 and 506 read with section 34 of the Indian Penal Code, 1860.
2. The learned Counsel appearing for the respective parties submitted that pending investigation into the said FIR, at the intervention of friends, elders and well-wishers parties have settled their disputes amicably and have approached this Court for quashing the said FIR by consent of Respondent No. 2.
3. Respondent No.2 has filed an affidavit dated 18th August

2017. In paragraph 6 he has prayed for quashing the FIR against the Petitioners.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the Petitioners.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint/FIR, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. 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 except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of 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. Accordingly,

petition is made absolute in terms of prayer clause (a). However, in the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.5,000/-, which shall be paid to “**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 receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]