

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3632 OF 2017**

Mr. Damodar Bajirao Chavan and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Hemant Ghadigaonkar along with Mr. Sandesh V. More, advocate for the petitioners.
Mr. S. R. Shinde, APP for the State.
Mr. Avnendra Kumar i/b. K. Juris, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-
JOSHI, J J.**

DATE : 1st NOVEMBER, 2017.

P. C. :

Heard Mr. Ghadigaonkar, learned counsel for the petitioners, Mr. Kumar, learned counsel for the respondent No.2 and Mr. Shinde, learned APP for the State.

2. The petition is filed for quashing the FIR bearing I.C.R. No. 206 of 2017 registered with Nagpada Police Station, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 392, 323 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably with the intervention of relatives and well-wishers and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject FIR by consent. The respondent No.2 filed an affidavit dated 6th October, 2017. In paragraph 4 thereof, he has stated that he and the petitioners have arrived at mutual settlement and decided to compound the said FIR. In paragraph 5, he has made a statement that he does not want to proceed against the petitioners. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given 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 criminal case 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 (B) subject to payment of costs of Rs.30,000/- by the petitioners to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioners 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.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]