

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.993 OF 2017

Mr. Anil Thakurdas Kursija and Anr.Applicants
V/s.
Mr. Umashankar P. Ahuja and Anr.Respondents

Mr. Manoj J. Bhatt, Advocate for Applicants.
Ms. S.D.Shinde, APP for the Respondent No.2-State.

**CORAM :- RANJEET MORE &
SANDEEP K. SHINDE, JJ.**

DATE :- 7TH DECEMBER, 2017.

PC. :-

Heard the learned counsel appearing for the respective parties.

2 This Application is filed for quashing and setting aside of the FIR bearing No.I-32 of 2017 registered at the instance of the Respondent No.1 with Naupada Police Station for the offences punishable under Sections 420, 406, 465, 467, 468, 471, 120-B and 34 of IPC. Pending investigation, parties have settled their disputes amicably and accordingly, executed two cancellation deeds dated 12.7.2017. In terms of understanding arrived at between the parties now they have approached this Court for quashing the subject FIR

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by consent. The Respondent No.1, accordingly, has filed affidavit dated 7.12.2017 and he has no objection if the proceedings of the subject FIR is quashed and set-aside. The respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and affidavit as well and has fully understood the contents thereof. He further confirmed that he has no objection for quashing the proceedings of the subject FIR out of free will and without there being any pressure or coercion.

3 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 proceedings 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.

4 Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the

applicants to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. 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.

5 Subject to above, the criminal application stands disposed of.

(SANDEEP K. SHINDE, J.)

(RANJEET MORE, J.)