

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 3927 OF 2017

Mr. Gautam Jhobalia	.. Petitioner
Vs.	
The State of Maharashtra & Anr.	.. Respondents

Mr. Hrishikesh Mundargi for the Petitioner.
Ms. S. D. Shinde, APP for the Respondent-State.
Mr. Suraj Iyar i/b M/s Ganesh & Co. for Respondent No.2.

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

DATE : 12th OCTOBER, 2017.

P. C. :

1. This is a petition filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, seeking to quash FIR bearing C.R. No. 531 of 2016 registered with Juhu Police Station, Mumbai under Sections 354, 354(A), 509, 506 read with 34 of the Indian Penal Code at the instance of respondent No.2.

2. The learned counsel for the petitioner and respondent No.2 submitted that pending investigation of said FIR, the parties have settled the disputes amicably by way of mutual settlement and in pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent No.2.

3. Respondent No. 2 has filed an affidavit dated 11.10.2017. In paragraph 6 of the said affidavit, it is stated that she has no objection for quashing the FIR bearing C. R. No. 531 of 2016 registered with Juhu Police Station at her instance.

4. We have moreover ascertained from the complainant, who is present in the Court, whether the contents of the affidavit are true and whether she has no objection for quashing the said FIR. The complainant has confirmed her version in the affidavit and stated that the parties have settled the dispute and she has no objection for quashing the FIR.

5. 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 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 the 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 subject to payment of cost of Rs. 5,000/- to be paid by petitioner to Kirtikar Law Library. For the quashment to take effect, the Petitioner 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 FIR shall be treated as *non-est*.

7. It is clarified that the investigation against other accused persons shall be continued and appropriate report shall be filed.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]