

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 1056 OF 2017**

Sandip Kanu Bamgude @ Vijay Neelson Kumar. ..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. A. Gharte for the Applicant

Ms. S. D. Shinde, APP for the State.

Mr. N. M. Sangle for Respondent No. 2.

Coram : RANJIT MORE &  
PRAKASH D. NAIK, JJ.

Date : **October 13, 2017.**

P. C. :

1. Heard the learned Counsel for the Applicant, the learned Counsel for Respondent No. 2 and the learned APP for the State. The application is filed for quashing and setting the FIR bearing CR. No. 68 of 2017 registered with Sion Police Station, Mumbai. The said FIR is registered at the instance of Respondent No.2 for the offence punishable under section 420 of the Indian Penal Code, 1860

2. The learned Counsel appearing for the respective parties submitted that pending investigation parties settled their disputes amicably and in pursuance of the understanding arrived at between them have applied for quashing the subject crime by consent of Respondent No. 2.

3. Respondent No.2 has filed an affidavit dated 13<sup>th</sup> October 2017. In paragraph 5, he has given no objection to quash the subject FIR. 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 Applicant.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of 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.

5. 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. Accordingly, application is allowed in terms of prayer clause (b). We find it would be appropriate to saddle the Applicant 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 Applicant 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, application shall stand dismissed automatically

without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

6. At this stage, the learned Counsel for the Applicant submitted that vehicle seized by Sion Police Station may be directed to be returned to the Applicant. Respondent No. 2 has no objection and since we have quashed the subject FIR, Sion Police Station is directed to return the vehicle, namely, Toyoto Fortuner bearing No. MH-04 FR-3149, to the Applicant from whom the same was sized.

7. Application stands dispose of.

**[PRAKASH D. NAIK, J.]**

**[RANJIT MORE, J.]**