

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1063 OF 2017**

Anand Anupam	...Applicant
Versus	
The State of Maharashtra and anr.	..Respondents

Mr. Wesley Menezes, advocate for the applicant.
Mrs. Aruna S. Pai, APP for the State.
Ms. Ayesha M. Pinto, advocate for the respondent No.2.

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

DATE : 1st NOVEMBER, 2017.

P. C. :

Mr. Menezes, learned counsel for the applicant, at the outset, seeks leave to amend the prayer clauses of the petition, so as to provide the correct number of the FIR. Leave as prayed for, is granted. Necessary amendment be carried out within one week from today.

2. Heard learned counsel for the applicant, learned counsel for the respondent No.2 and learned APP for the State.

3. The criminal application is filed resorting to the provisions of Section 482 of the Criminal Procedure Code, 1973, for quashing and

setting-aside the FIR bearing CR No.342 of 2017 registered with Amboli Police Station, Mumbai, at the instance of the respondent No.2 against the applicant for the offences punishable under Sections 354, 452, 323, 504 and 506 of the Indian Penal Code, 1860.

4. During investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject FIR by consent. The respondent No.2 has filed an affidavit dated 11th August, 2017. In paragraph 8, she has made an averment that the dispute between herself and the applicant is now resolved and she does not wish to pursue any coercive steps against him. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the proceedings of the subject FIR out of free will and without there being any pressure or coercion.

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 **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 FIR bearing CR No.342 of 2017 registered with Amboli Police Station, Mumbai, at the instance of respondent No.2 against the applicant for the offences punishable under Sections 354, 452, 323, 504 and 506 of the Indian Penal Code, 1860, is quashed and set-aside subject to payment of costs of Rs.5000/- by the applicant to the **“Kirtikar Law Library”**. The applicant 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.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]