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

CRIMINAL APPLICATION NO.1066 OF 2017

Mr. Devesh Suresh Sarda ... Applicant

V/s.

The State of Maharashtra and ors ... Respondents

**ALONGWITH
CRIMINAL APPLICATION NO.749 OF 2017**

Mr. Ashish Suresh Sarda and anr ... Applicants

V/s.

The State of Maharashtra and ors ... Respondents

Ms. Kalyani Thakur, for the Applicants in
both applications.

Mr. S. R. Shinde, APP for the Respondent
State.

Mr. A. M. Udane, for respondent No.3.

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

DATE : 6th NOVEMBER, 2017.

P.C. :

1] In both these applications, applicants are accused in
C.R.No.72 of 2017, registered with Ojhar Police Station, District
Nashik, at the instance of respondent No.3 Sudarshan Dilip Sarda, for
1/3

the offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code.

2] The accused and complainant are the family members and pending investigation in F.I.R., with the intervention of elderly family members, they settled their dispute amicably and in pursuance of the understanding arrived at between them, they approached this Court, for quashing the subject crime by consent. Complainant -Respondent No.3 has filed separate affidavit in both these applications. In paragraph No.7, he has given no objection for quashing the said F.I.R.

3] It can, thus, be seen that the matters have 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 are of the considered view that there is no impediment in quashing the subject F.I.R. 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, both these applications are allowed in terms

of prayer clause (a), subject to payment of costs of Rs.5,000/- by each of the applicant in both these applications, 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 receipts thereof on the file of this Court within a period of four weeks from today, failing which, the applications shall stand dismissed automatically without further reference to the Court.

5] Subject to above, the petition stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]