

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4335 OF 2014

1. Mr. Bhausahab Bapurao Nikam	
2. Mr. Sachin Bhausahab Nikam	Petitioners
versus	
1. The State of Maharashtra and	
2. Mr. Rizwan Alam Siddiqui	
3. Vinod Waidande	Respondents

Mr. Niranjan Mundargi, advocate for the petitioners.
Mr. A. R. Kapadnis, APP for the State.
Mr. Kunal Ambulkar i/b. Mr. Sunil Ghatge, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 28th SEPTEMBER, 2017.

P. C. :

Mr. Mundargi, learned counsel for the petitioners, at the outset, seeks leave to amend the cause-title of the petition so as to implead one Mr. Vinod Waidande, HR and Admin Executive of M/s. Sunil Hi-Tech Engineers Limited as party respondent and delete the name of the petitioner No.1 as he has already expired and also to amend the petition in order to correct the number of the FIR. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. We have heard Mr. Mundargi, learned counsel for the petitioner, Mr. Ambulkar, learned counsel for the respondent No.3 and Mr. Kapadnis, learned APP for the State.

3. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of the Criminal Procedure, 1973 for quashing and setting aside the FIR bearing CR No.168 of 2013 registered with Vishrambhaug Police Station for the offences punishable under Sections 107, 120-B, 405, 409, 418 and 420 of the Indian Penal Code, 1860.

4. The petition was placed before this Court on 24th November, 2014. By speaking order, this Court issued notice to the respondents with further direction not to file charge-sheet without prior leave of the Court. Thus, the subject FIR is at the stage of investigation and charge-sheet has not been filed.

5. The FIR was filed by the respondent No.2 at the instance of M/s.Sunil Hi-Tech Engineers Limited. During investigation, respondent No.2 resigned from M/s. Sunil Hi-Tech Engineers Limited and now the respondent No.3 is representing the said company.

6. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject FIR by consent. The respondent No.3 has, accordingly, filed an affidavit dated

22nd September, 2017. In paragraph 4 thereof, he has stated that he has been authorized to prefer, file and/or submit necessary affidavit/documents to support the prayer for quashing of the subject FIR in view of the amicable settlement between the parties. In support of this statement, the respondent No.3 along with the affidavit has annexed certified true copy of the extract of the resolution passed in the meeting of the Board of Directors of Sunil Hi Tech Engineers Limited held on 14th September, 2017. Perusal of the resolution shows that the said Company has authorized the respondent No.3 to approach, execute, sign, submit, compromise pursis/consent documents/affidavit or any other relevant documents pertaining to M/s. Ulka Industries Limited, of which, the petitioner is the director.

7. The respondent No.3 in paragraph 5 of the said affidavit has made a statement that he on behalf of M/s. Sunil Hi-Tech Engineers Ltd. has no objection if the present writ petition is allowed and the subject FIR is quashed. The respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has fully understood the contents thereof and has no objection if the subject FIR is quashed and set-aside.

8. 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 subject FIR 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.

9. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the petitioner to NAAM Foundation which works for the betterment of farmers in drought-stricken areas of Maharashtra. The petitioner 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 writ petition shall stand dismissed automatically without further reference to the Court.

10. Subject to above, the writ petition is disposed off.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]