

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4211 OF 2017

Shri Deepak Kishan Goradia and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

and

CRIMINAL WRIT PETITION NO. 4611 OF 2017

Shri Ram Damodar Bhoir and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Krupali H. Rajani i/b. Mr. Jaideep Thakkar, advocate for the petitioners in writ petition No. 4211 of 2017.
Ms. Rajlaxmi Punjabi, advocate for the petitioner in writ petition No. 4611 of 2017.
Mrs. Aruna S. Pai, APP for the State.
Mr. S. P. Srivastav, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SANDEEP K. SHINDE, JJ.**

DATE : 6th DECEMBER, 2017.

P. C. :

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

2. The petitioners in writ petition No. 4211 of 2017 are accused Nos. 4 and 5 and the petitioners in writ petition Nos. 4611 of 2017 are accused Nos. 2 and 3 in FIR No. I-64/2017 registered with Shanti Nagar

Police Station, Bhiwandi for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 474 and 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 82 of the Indian Registration Act. Both the writ petitions are filed for quashing the subject FIR.

3. Pending investigation, the parties to the petitions settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petitions for quashing the subject FIR by consent. The respondent No.2 has filed two separate affidavits dated 15th September, 2017. In the last paragraph of these affidavits, the respondent No.2 has stated that he has no objection if the subject FIR is quashed and set-aside. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petitions and affidavits as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

4. 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 writ petitions are allowed in terms of prayer clause (B) subject to payment of costs of Rs.25000/- by the petitioners in both petitions to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petitions shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petitions are disposed off.

(SANDEEP K. SHINDE, J.)

[RANJIT MORE, J.]