

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

CRIMINAL APPLICATION NO. 1164 OF 2017

Pinky Singh @ Arati Sunilkumar Singh & Ors. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

- Ms.Dipika M. Batheja for the Applicants.
- Mr.A.R. Kapadnis, A.P.P. for Respondent No.1-State.
- Ms.Trupiti Bharadi a/w. Mr.Vikramsingh Parmar for Respondent No.2.

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

DATE : 23rd NOVEMBER, 2017.

P.C. :

1] Heard Ms.Batheja, learned counsel for the Applicants, Mr.Kapadnis, learned A.P.P. for Respondent No.1-State and Ms.Bharadi, learned counsel for Respondent No.2.

2] This application is filed for quashing and setting aside the FIR bearing C.R. No.584 of 2017 registered at the instance of Respondent No.2 with Samta Nagar Police Station for the offence punishable under Sections 452, 354(B), 323, 506, 504 read with 34 of the Indian Penal Code.

3] Pending investigation, the parties settled their dispute

amicably and in pursuant of the understanding arrived at between them, they approached before this Court for quashing the subject crime by consent. Respondent No.2 has accordingly filed an affidavit dated 18th November, 2017. In paragraph (7) of the affidavit, he has given no objection to quash the subject FIR.

4] 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 C.R. initiated by him against the Applicants.

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. 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 Criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

6] In the light of the 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 Criminal proceedings.

7] Accordingly, Criminal Application is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 5,000/-, which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants shall pay the said costs 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, Criminal Application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings shall be treated as *non-est*.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]