

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1169 OF 2017

Mohan Dnyandev Zambare
and anr.

....Applicants

V/s.

The State of Maharashtra
and anr.

....Respondents

* * * * *

Mr. V.V. Purwant, Advocate for the applicants.

Mr. V.B. Kondedeshmukh, APP for respondent no.1, State.

Mr. S.A. Tarale, Advocate for respondent no.2.

CORAM :-

RANJIT MORE &

SANDEEP K. SHINDE, JJ.

DATE :-

5TH DECEMBER, 2017.

P.C. :-

1. Heard Learned Counsel for the applicants,
respondent no.2 and Learned APP.

2. The application is filed for quashing and setting
aside the FIR bearing C.R. 156 of 2017 registered with

Tembhurni Police Station, District-Solapur at the instance of respondent no.2 for the offences punishable under Sections 436, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Pending investigation, the parties to the application have 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. Respondent No.2 has filed an affidavit before this Court dated 24th November, 2017. In paragraph-3, he 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 application and affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceedings of 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- (Rs. Five Thousand only) by the applicants 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 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.

6. Subject to above, the Criminal Application stands disposed off.

(SANDEEP K. SHINDE, J)

(RANJIT MORE, J)