

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1481 OF 2016

Vinod Shamrao Shinde & Anr.] ... Applicants

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. D. K. Pradhan for Applicants.

Mrs. M. H. Mhatre, APP for State.

Mr. S. B. Chandan for Respondent No.2.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE :- 30 JUNE, 2017

P. C. :-

1. Heard the learned Advocate for applicants, the learned Advocate for respondent no.2 and the learned APP.
2. The petition is filed for quashing FIR No.233 of 2016 registered with RCF Police Station for the offences punishable under Sections 354(A)(1), 504, 509 and 506 of the IPC.
3. Pending investigation, the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent.

4. The respondent no.2 accordingly filed an affidavit dated 29/06/2017. In para 4, she has stated that the dispute between herself and the applicants is amicably settled. In para 7, she has stated that the incident in question was purely a private dispute and the offences alleged do not affect the society at large and therefore this Hon'ble Court may pass the appropriate relief as prayed, for quashing of the subject FIR.

5. The respondent no.2 is personally present in the Court. On specific query, she states that she has gone through the the affidavit as well as the contents of the petition. In the above circumstances, she has no objection to quash the subject FIR. She has also stated that she has given no objection out of her free will and without any force or coercion.

6. 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*¹, 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.

¹ 2014 AIR SCW 2065

7. Accordingly, the Criminal Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only) to be deposited in Kirtikar Law Library. 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.

8. Subject to above, the petition stands disposed of.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)