

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

CRIMINAL APPLICATION NO.487 OF 2018

Tanaji Bhagwan Patil & Ors.	...Applicants
<i>Versus</i>	
The State Of Maharashtra And Anr.	...Respondents

Mr.Datta Mane for the Applicant.

Mr.Deepak Thakare, PP and mr.K.V. Saste, APP for the Respondent-State.

Mr.Prasad J. Patil for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 17th OCTOBER 2018

P.C.

1. Heard the learned counsel for the applicant, learned APP for the respondent No.1-State and the learned counsel for respondent No.2.

2. The application is filed for quashing and setting aside the FIR bearing No.41 of 2013 registered with the Atpadi Police Station by the respondent No.2 for offences punishable under Sections 363, 366, 143, 148, 149, 504, 506 read with 34 of the Indian Penal Code.

3. The above CR is investigated and 'B' Summary report is already filed by the Investigation Officer before Judicial Magistrate First Class on 07.10.2014. The same is pending till today and no final order is issued. In the above circumstances the parties have settled their dispute amicably and approached this Court for quashing the subject FIR. The respondent No.2 has filed an affidavit dated 17th October 2018. In paragraph No.5, he has given consent to quash the FIR. The respondent No.2 is personally present in the Court and on specific query, he has made a statement that he has gone through the application and affidavit and understood the contents thereof. He specifically states that he has no objection to quash the subject FIR against the present applicant.

4. The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its

1 [2014 AIRSCW 2065]

opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

5. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of Narinder Singh (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be

saddled on the parties for putting into motion the police and judicial mechanism for settling their personal disputes.

6. Accordingly, the subject FIR is quashed and application is allowed in terms of prayer clause (a) subject to following :-

(i) The applicants shall pay an amount of Rs.10,000/- to Tata Memorial Hospital within a period of two weeks from today and place the receipt of the same on record.

7. Since subject FIR is quashed by consent the 'B' summary proceedings in respect of the subject crime pending before the Judicial Magistrate First Class, Atpadi Police Station, District-Sangli will not survive and the same is also disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)