

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 166 OF 2018

Abhishek Piyush Shah.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Yashpal M. thakur for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent-State.

Ms. Poonam Dilip Varma, Respondent No. 2 in-person.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **September 11, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner, learned APP for the Respondent-State and Respondent No. 2 in person.

2. This petition is filed seeking quashment of the FIR bearing CR. No. 234 of 2017 registered with Santacruz Police Station at the instance of Respondent No. 2 for the offence punishable under sections 420, 336 and 506 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the Petitioner and Respondent No. 2 appearing in person submitted that during the pendency of investigation into above FIR, with the help and intervention of family members, friends and well-wishers, the parties

have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent No. 2.

4. Respondent No.2 has filed in this Court an affidavit dated 11th September 2018. In paragraph 5 of the said affidavit, she has given consent for quashing the subject FIR / CR.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Petitioner.

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. 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 subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

7. 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 FIR. Accordingly, petition is made absolute in terms of prayer clause (b). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost 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, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will

then intimate the concerned Police Station that subject FIR or proceedings shall not be treated to have been quashed and that police shall proceed against the Petitioner in accordance with law.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]