

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

WRIT PETITION NO.1194 OF 2018

Mr Premchand Ramnayan Jaiswal
and others ... Petitioners
v/s
State of Maharashtra and anr. ... Respondents

Mr Manoj Kumar Singh for Petitioners.
Mr K.V. Saste, APP for State.
Mr Sushil Upadhyay for Respondent No.2.

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

DATED : 19th SEPTEMBER, 2018

P.C. :

1. Heard learned counsel for the Petitioners, learned counsel for Respondent No.2 and the learned APP.

2. The Petition is filed for quashing and setting aside the FIR No.396 of 2017 registered by Respondent No.1 on behest of Respondent No.2 under sections 509, 354(D), of IPC at Khar Police Station, Mumbai. The parties have settled their dispute amicably and Respondent No.2 has filed her affidavit dated 19th September 2018 accordingly.

vrdate

3. The learned counsel appearing for the respective parties submitted that during the pendency of investigation, with the help and intervention of family members, friends and well-wishers, the parties 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 dated 16th October 2017.

4. Respondent No. 2 is personally present in Court. She has filed his affidavit dated 19th September 2018. In paragraph 3, she has given no objection for allowing this Petition preferred by the Petitioners arising out of its FIR No. 396 of 2017 registered with Khar Police Station for an offence punishable under sections 509, 354(D) of IPC.

5. 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.

7. Accordingly, Petition is allowed in terms of prayer clause (A).

8. 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 cost of Rs.20,000/- 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 a 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 shall be treated as non-est.

9. Since we have quashed and set aside the subject crime register, the Applicants are directed to be released forthwith if not required in any other crime.

(SMT BHARATI H. DANGRE, J.)

(RANJIT MORE, J)