

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2867 OF 2018**

Harshad Balvirsingh Panjabi @ Rajput and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Anita Wakchoure, advocate for the petitioners.
Mr. S. R. Shinde, APP for the State.
Ms. Divya Parab I/b. Mr. R. N. Gite, advocate for the respondent No.2.

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

DATE : 5th OCTOBER, 2018.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting-aside the FIR bearing CR No.I-178/2018 registered with Mumbai Naka Police Station, Nashik, at the instance of the respondent No.2, for the offences punishable under sections 394, 323, 427, 504, 506 and 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition settled their dispute amicably and executed settlement deed dated 25th June, 2018. A

Shubhada S Kadam

1/3

copy of the said settlement deed is annexed at Exhibit-D, page 18. The settlement deed does disclose that the dispute between the parties is settled and therefore, the respondent No.2 has given his no objection to quash the subject FIR. In pursuance of the understanding arrived at between the parties, the have approached this Court for quashing the subject FIR by consent. The respondent No.2 has filed an affidavit dated 25th June, 2018. In paragraph (C), he has given his no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, settlement deed and affidavit as well and has fully understood the contents thereof. He further confirmed that he has given no objection for quashing the subject FIR out of his own 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.

5. 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. Hence, we quash and set-aside the FIR bearing CR No.I-178/2018 registered with Mumbai Naka Police Station, Nashik.

6. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.30,000/- by the petitioners to the respondent No.2. The petitioners shall pay the said costs by way of demand draft and produce the photostat copy of the said demand draft on the file of this Court within a period of four weeks from today, failing which, the order passed in this writ petition shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the writ petition is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]