

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2756 OF 2017**

Songaram Laxman Patil and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Sushma T. Mishra, advocate for the petitioners.
Mr. Deepak Thakre, PP along with Mr. F. R. Shaikh, APP for the State.
Ms. Shalaka S. Satam, advocate for the respondent No.2.

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

DATE : 3rd OCTOBER, 2018.

P. C. :

1. Heard learned counsel and learned APP appearing for the petitioners, respondent No.2 and the State.

2. The petition is filed for quashing and setting-aside the FIR bearing CR No.I-215 of 2017 registered with Padgha Police Station, Thane District, at the instance of the respondent No.2 against the petitioners for the offences punishable under sections 324, 452, 427, 143, 147, 148 and 149 of the Indian Penal Code, 1860 and sections 3(1)(x) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject FIR by consent. The respondent No.2 as well as the injured/aggrieved persons viz. Balaram Shantaram Waghe, Gopika Sudam Waghe, Maya Kaluram Waghe, Shantaram Ladku Waghe and Sudham Shantaram Waghe have filed separate affidavits wherein they have given their no objection for quashing the subject FIR. The respondent No.2 as well as the above referred persons are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits as well as the petition and have fully understood the contents thereof. They further confirmed that they are giving no objection for quashing the subject FIR out of their 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. 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (i) subject to payment of costs of Rs.5000/- by the petitioners to Tata Memorial Cancer Hospital, Mumbai, for the use of its

philanthropic purposes. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court.

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

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]