

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 922 of 2018

Mr. Rushabha Mahendra Kanti and anr.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. R. Sathyanarayanan along with Mr. Pratik Surti, advocate for the applicants.
Mrs. P. P. Shinde, APP for the State.
Mr. Sandeep Kokane I/b. Mr. M. K. Kocharekar, advocate for the respondent No.2..

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

DATE : 8th OCTOBER, 2018.

P. C. :

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

2. The criminal application is filed for quashing and setting-aside the FIR bearing CR No.214 of 2017 registered with Shivaji Park Police Station, at the instance of respondent No.2, for the offences punishable under sections 406 and 420 read with section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled their dispute amicably and executed Memorandum of Understanding/settlement deed dated 27th June, 2018. A copy of the said

MOU/settlement deed is annexed at Exhibit-B, page 20. The settlement deed does disclose that the dispute between the parties is settled and, accordingly, they have approached this Court for quashing the subject FIR by consent. The respondent No.2, who is the member of Nutan Mumbai Tiffin Box Supplier Charity Trust and Mumbai Tiffin Box Suppliers Association has filed an affidavit dated 27th June, 2018. In paragraph (5), 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 state that he has gone through the application, 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.214 of 2017 registered with Shivaji Park Police Station.

6. Accordingly, the the criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicants to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The applicants 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 which, the order passed in this application shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the criminal application is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]