

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 951 OF 2018**

Kalpesh Mehta. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Pradeep Dube for the Applicant.

Ms. S. D. Shinde, APP for the Respondent-State.

Mrs. Krishma Shah for Respondent No. 2.

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

Date : **August 28, 2018.**

P. C. :

1. Heard the learned counsel for the Applicant, learned APP for the Respondent-State and the learned counsel for Respondent No.2. The application is filed for quashing the FIR bearing CR. No. 372 of 2018 registered against the Petitioner with Andheri Police Station for the offence punishable under sections 279 and 338 of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No. 2 herein.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, 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 application is filed for quashing the above FIR, by consent of Respondent No. 2. They have accordingly filed consent terms, copy of which is at Exhibit-"B" to the application. In paragraph

1 of the said consent terms it is stated that the Applicant has already paid an amount of Rs.10,000/- to Respondent No. 2 towards medical expenditure. In addition to this, in paragraph 2 it is stated that on 4<sup>th</sup> August 2018 an amount of Rs.1,40,000/- is given to Respondent No. 2 by the Petitioner by cheque as and by way of compensation.

3. We made query with the learned counsel for the Applicant as to whether the Applicant is ready and willing to pay to Respondent No.2 any additional amount by way of compensation. After taking instructions from his client, the learned counsel for the Applicant submitted that Applicant would pay additional compensation of Rs.1 lakh to Respondent No.2. Accordingly, the Applicant handed over a cheque of Rs.1 lakh to Respondent No.2 in the Court itself [being Cheque No. 000245, drawn on HDFC Bank, Branch 60, Akbar Chambers, Ground Floor, Mohamed Ali Road, Mumbai].

4. Respondent No. 2 has filed an affidavit dated 8<sup>th</sup> August 2018. She has acknowledged the receipt of Rs.10,000/- and Rs.1,40,000/- from the Petitioner. In paragraph 6 she has given consent to quash the subject FIR.

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 Applicant.

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 pending 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 /.. criminal proceedings. Accordingly, application is allowed in terms of prayer clause (a).

**[SMT. BHARATI H. DANGRE, J.]**

**[RANJIT MORE, J.]**