

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3632 OF 2018

Jiten J. Jodi and Anr .. Petitioners
Versus
The State of Maharashtra and Anr .. Respondents

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Mr. Ishwariprasad Bagaria for the petitioners.
Mr.K.V.Saste, APP for the State.
Mr.Akshay Kapadia for respondent no.2.

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

DATED : 22nd OCTOBER 2018

P.C:-

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

2 The petitioners have approached this Court for invoking jurisdiction under Article 226 of the Constitution of India to quash the proceedings of the FIR No.253 of 2018 registered with Narpoli Police Station, Bhiwandi, Dist.Thane at the instance of respondent no.2 for an offence punishable under Sections 406, 420, 486 r/w section of the IPC and Section 63 of the Copy Rights Act, 1957.

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3 Pending trial as well as pending this petition, parties have settled their dispute amicably. Respondent no.2 agreed to give no objection for quashing the subject FIR. The petitioners as well as respondent no.2 are personally present before the Court.

4 The respondent no.2 has filed affidavit dated 27th August 2018. In paragraph no.2, he has given No Objection to quash the proceedings of the subject criminal case. He also states that he is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

5 The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an

1 [2014 AIRSCW 2065]

exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between buried the hatchet, find no justiciable reason to keep the criminal proceedings pending.

6 In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh** (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. 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.

7 Accordingly, the Writ Petition is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the petitioners with the cost of Rs.10,000/- (Rupees Ten thousand) which shall be paid to **“Yashodhan Charitable Trust”, Bank of Maharashtra Branch: Powai Naka, Satara, Account No.60245873355, (IFSC Code : MAHB0000305) Satara** (having Registration No.1895/Satara Maharashtra), an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the 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/FIR shall be treated as *non-est*.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)