

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3861 OF 2018

Rajeev Shrivastava and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Kalpesh V. Patil for the Petitioners.

Mrs. A. S. Pai, APP for the Respondent-State.

Mr. Paras Yadav for Respondent No. 2.

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

Date : September 27, 2018.

P. C. :

1. Heard learned counsel appearing for the respective parties.
2. By this petition filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1908, the Petitioners are seeking to quash and set aside FIR bearing CR. No. 485 of 2017 registered at Hinjewadi Police Station, Pune against them at the instance of Respondent No.2 for the offence punishable under sections 408, 420, 120B and 24 of the Indian Penal Code, 1860 and sections 65 and 72 of the Information and Technology Act, 2005.
3. Learned counsel for the respective parties submitted that during the pendency of investigation into above FIR, the parties settled their disputes amicably and have entered into deed of

settlement, copy of which is placed on record at 19 to the petition. The deed of settlement is signed by Respondent No.2 and the Petitioners. By this deed of settlement, Respondent No. 2 has agreed to give no objection for quashing of the subject FIR. Respondent No. 2 has accordingly filed an affidavit in this Court, being affidavit dated 27th September 2018. In paragraph 6 thereof, Respondent No.2 has given no objection to quash the subject FIR.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR lodged by him against the Petitioners.

5. 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 except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of 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. Accordingly, 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 costs of Rs.30,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. 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*. Registry will then intimate the concerned Police Station Magistrate that subject FIR shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioners in accordance with law.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]