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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1069 OF 2018

Sonal Sunil Bhatia and anotherApplicants

V/s.

The State of Maharashtra and anotherRespondents

Mr. Yusuf Iqbal Yusuf a/w Neville Majra, Ms. Shaista Pathan i/b Y
and A Legal for applicants

Ms. S. D. Shinde APP for the State

Mr. J. N. Shiradhonkar for respondent no. 2

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

DATE : 26th SEPTEMBER, 2018

P.C.

Heard the learned counsel for the applicant, respondent no. 2
and the learned APP.

2 The criminal application is filed under section 482 of Code of Criminal Procedure, 1973, for quashing the F.I.R. bearing C.R. Nos. 83 of 2018 & 115 of 2018 registered with D. N. Nagar Police Station, Mumbai at the instance of respondent no. 2 for offence punishable under sections 420, 406 r/w 34 and sections 406 & 420 of the

Indian Penal Code respectively.

3 Pending investigation, the parties to the application have settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed consent terms dated 26/09/2018 in this Court. Consent terms are signed by applicants and respondent no. 2 alongwith their respective counsel. Consent terms are taken on record and marked as Exhibit 'X' for identification. Para 4 & 8 of the consent terms reads as follows:

“4) It has been agreed that the Applicant Nos. 1 & 2 shall pay a total sum of Rs. 90,00,000/=(Rupees Ninety Lakhs Only) in full and final settlement of all their dues payable to the Respondent No. 2 in the manner elucidated below:-

Sr. No.	Cheque No.	Drawn on	Date	Amount (Rs.)
1	928079	Axis Bank	15.09.2018	3,00,000/=
2	153874	Central Bank of India, BKC Branch	15.09.2018	25,00,000/=
3	153875	Central Bank of India, BKC Branch	25.10.2018	15,00,000/=
4	928080	Axis Bank	30.10.2018	5,00,000/=
5	928081	Axis Bank	31.10.2018	15,00,000/=
6	153876	Central Bank of India, BKC Branch	25.11.2018	12,00,000/=
7	153877	Central Bank of India BKC Branch	25.12.2018	15,00,000/=
Total				90,00,000/=

8) *It has been agreed that on receipt of the total sum of Rs. 90,00,000/= as stated hereinabove, the Parties shall approach this Hon'ble Court for final orders of quashing of F.I.R. No. 83 of 2018 registered against the Applicant Nos. 1 and 2 and also F.I.R. No. 115 of 2018 registered against the Applicant no. 2 and that the Respondent no. 2 shall render his fullest co-operation and assistance to the Applicants in order to ensure that the aforesaid 2 F.I.R.s are quashed and set aside and/or compounded, as the case may be. The Respondent no. 2 hereby confirms and acknowledges that subject to receipt of the entire settlement amount as stated hereinabove, the Respondent no. 2 shall never proceed against any of the Applicants herein in any court of law nor shall he pursue any legal remedies or action of any nature whatsoever against the Applicants herein."*

4 Respondent no. 2 is personally present before the Court. On being questioned, he specifically stated that he has gone through application and consent terms as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the F.I.R.s out of free will and without there being any pressure or coercion.

5 It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the 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.

6 Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the applicants 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 applicants 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 criminal application shall stand dismissed automatically without further reference to the Court.

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

[BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]