

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4055 of 2018**

Shri Praveen Devram NaikPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. P. A. Bhise I/b. Mr. Tushar Chavan, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.
Ms. Sukhada Vijay Dalvi, advocate for the respondent No.3.

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

DATE : 23rd OCTOBER, 2018.

P. C. :

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

2. The petition is filed seeking quashment of FIR No.91 of 2018 registered with Bharati Vidyapeeth Police Station, at the instance of the respondent No.3, for the offences punishable under sections 354, 354-A and Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent. The respondent No.3 has, accordingly, filed an affidavit dated 23rd October, 2018. In paragraph 5, she has given consent to quash the

subject FIR. The respondent No.3 is personally present before this Court. On being questioned, she specifically states that she has gone through the petition and the affidavit as well and has fully understood the contents thereof and has no objection if the subject FIR is quashed against the petitioner and other accused. She further confirmed that she has given no objection for quashing the subject FIR out of her 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 No.91 of 2018 registered with Bharati Vidyapeeth Police Station.

6. Accordingly, the writ petition is allowed in terms of prayer clause (C) subject to payment of costs of Rs.10,000/- by the petitioner to “Yashodhan Charitable Trust” (having Registration No.1895/Satara, Maharashtra and Account No.60245873355 with Bank of Maharashtra), an institution that takes care of the mentally retarded and elderly people belonging to poor and downtrodden society. The petitioner 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 order passed in this writ petition shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the writ petition is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]