

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 425 of 2019**

Mr. Anil Ramrao Doiphode .....Applicant  
versus  
The State of Maharashtra and anr. ....Respondents

Mr. Chetan G. Patil, advocate for the applicant.  
Ms. Sangeeta D. Shinde, APP for the State.  
Mr. M. G. Bagkar, advocate for the respondent No.2.

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

**DATE : 10<sup>th</sup> APRIL, 2019.**

**P. C. :**

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The application is filed for quashing and setting aside the FIR bearing CR No.77 of 2019 registered with Vadgaon Police Station, Kolhapur at the instance of the respondent No.2, for the offences punishable under Sections 307, 354-A, 504 and 506 of the Indian Penal Code, 1860 and Section 3 and 25 of the Arms Act, 1959.
3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject FIR by

consent. The respondent No.2 has, accordingly, filed an affidavit dated 10<sup>th</sup> April, 2019. In paragraph 2 thereof, she has stated that the subject FIR is filed by her on instigation of other people who are adversaries of the applicant. In paragraph 6, she has given her no objection for quashing and setting-aside the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that the applicant had not used the gun. She also stated that she has gone through the application and her affidavit and has fully understood the contents of the same. She further confirmed that she has given no objection for quashing the subject FIR on her own free will and without there being any pressure or coercion.

4. So far as the present case is concerned, we have gone through the FIR. The allegations are made in the FIR that the applicant pointed pistol at respondent No.2 and pressed the trigger, however, he did not fire any shot. The prosecution case, in our opinion, is covered by explanation (c) of Section 307 of the Indian Penal Code, 1860. Be that as it may, as mentioned hereinabove, the respondent No.2 herself has stated that nothing of the sort as alleged in the complaint had occurred and the FIR in question was lodged by the respondent No.2 on instigation of the applicant's adversaries. In these circumstances, we are of the opinion that the offence under Section 307 of the Indian Penal

Code, 1860, is not made out and, therefore, it would be appropriate to quash the subject FIR inasmuch continuation of the same would be prejudicial to the interests of both the applicant and the respondent No.2.

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. 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 FIR 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 FIR bearing CR No.77 of 2019 registered with Vadgaon Police Station, Kolhapur, at the instance of the respondent No.2, for the offences punishable under Sections 307, 354-A, 504 and 506 of the Indian Penal Code, 1860 and Sections 3 and 25 of the Arms Act, 1959 is quashed and set-aside subject to payment of costs of Rs.10000/- by the applicant to the **“Yashodhan Charitable Trust”**

(having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The applicant 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

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

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

**[RANJIT MORE, J.]**