

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICITON

WRIT PETITION NO. 1879 OF 2019

Pradeep Tiwaree and Another. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. K. U. Patil for the Petitioners.
Mr. K. V Saste, APP for the Respondent-State.
Mr. Yogesh Patil for Respondent No.2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **April 24, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No.2 and the learned APP for the Respondent-State. The petition is filed for quashing and setting aside the FIR bearing CR. No. 42 of 2018 [initially registered as CR. No. 81 of 2018] with Kundal Police Station, Kundal, taluka-Palus, distirict-Sangli. The said FIR is registered at the instance of Respondent No.2 and the allegations levelled against the Petitioners in the said FIR are with regard to the commission of offence punishable under sections 464, 465, 470, 471 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that pending investigation into above FIR, with the help and intervention friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent No.2.

Respondent No.2 has filed an affidavit dated 24th April 2019. In paragraph 5 of the said affidavit, he has given no objection to quash the subject FIR against the Petitioners.

3. In the said FIR, there are in all three accused persons, namely, the Petitioners herein and one Jyot Khera. 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 against the Petitioners herein as well as against said Jyoti Khera.

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. 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.

5. In the light of the 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 made absolute in terms of prayer clause (a).

6. 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/-, which shall be paid to **“Yashodhan Charitable Trust”, 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 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 FIR shall be treated as *non-est*. [Yashodan Charitable Trust : Account No.: 60245873355 IFSC Code : MAHB0000305]

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]