

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

CRIMINAL WRIT PETITION NO. 2967 OF 2019

Dharmendra Paraschand Jain & Anr.Petitioners.

Versus

State of Maharashtra and Anr.Respondents

Mr. L.R. Odhekar, for the Petitioners.
Mr. Deepak Thakare, PP a/w Mrs. A.S. Pai, APP for the
Respondent-State.
Mr. K.U.Nikam, for Respondent No.2.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 13th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, initially for quashing and setting-aside the FIR bearing CR No. I-5 of 2019 registered with MIDC, Kupwad Police Station at the instance of respondent No.2, for the offences punishable under Sections 420, 417, 464, 467 r/w

34 of the Indian Penal Code, 1860 on merits. Learned counsel for the respective parties submitted that during the pendency of this petition and pendency of the investigation of subject FIR, the parties have settled their disputes amicably and now they are seeking the quashment of FIR by consent. Accordingly, respondent no.2 has filed her affidavit dated 28th August, 2019 along with the consent terms between the parties filed before the Arbitrator. The copy of consent terms is annexed at Exh. A. The consent terms are signed by the petitioners and the respondents. In terms of the understanding arrived at between the parties, they have now approached this Court for quashing and setting-aside the subject FIR, by consent. In paragraphs 4 and 5, she has stated that she is giving her no objection for quashing and setting-aside the subject FIR.

3. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing the subject FIR on 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 subject FIR alive 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by the petitioner 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 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 petition shall stand dismissed automatically without further reference to

the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]