

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

**CRIMINAL APPLICATION NO. 2 OF 2019**

Shri Rajshekharan Sukumaran Pillai

& Anr.

.. Applicants

Vs.

1. State of Maharashtra

& Anr.

.. Respondents

Mr.Siddhartha R. Ronghe for applicants.

Mr.S.R. Shinde, APP for respondent No.1-State.

Mr.S. V. Naik for respondent No.2.

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

**DATE : 9<sup>TH</sup> OCTOBER 2019**

**P.C.**

**1.** Heard the learned counsel for the applicants, the learned APP for the respondent No.1 and the learned counsel for the respondent No.2.

**2.** The application is filed for quashing and setting aside the proceedings of criminal proceedings bearing C.C. No.638/2016, at the instance of the respondent No.2, registered with Pimpri Police Station, Pune for the offences punishable under section 420 read with section 34 of the Indian Penal Code.

3. Pending investigation, the parties have settled their dispute amicably and accordingly entered into Memorandum of Understanding dated 31<sup>st</sup> December 2018 ('MOU'). A copy of the MOU is placed on record. In terms of the said MOU, now the parties have approached this Court for quashing and setting aside the subject first information report by mutual consent.

4. Both the applicants and the respondent No.2-complainant are present in Court. On specific query by this Court, the applicants and the respondent No.2 stated that they will comply with the terms of the MOU. In addition to this, the respondent No.2 also stated that he has no objection to quash the subject FIR.

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*<sup>1</sup>, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are

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1 2014 AIR SCW 2065

already overburdened.

6. Accordingly, the application is allowed in terms of prayer clause (a). However, at the same time, costs need to be saddled on the applicants for using the police and judicial machinery for settling their personal disputes. In view of this, the applicants to pay a sum of Rs.25,000/- as costs. This amount of Rs.25,000/- to be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advanced stage and/or terminally ill due to cancer. 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 the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, the application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

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

[ N.J. JAMADAR, J. ]

[ RANJIT MORE, J.]