

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

CRIMINAL WRIT PETITION NO.315 OF 2019

Asavari Ajit Borkar & Ors. ..Petitioners
V/s.
The Senior Inspector of Police & Ors. .. Respondents

Mr.Swapnil Wagh for the Petitioners.

Mrs.Gayatri Gokhale h/f Mr.Sandeep Bali for Respondent No.2.

Ms.S.D. Shinde, APP for the Respondent-State.

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

DATE : 01st APRIL 2019

P.C.

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

2. The Petition is filed for quashing and setting aside the FIR bearing C.R. No.572 of 2018 registered with Borivali Police Station, Mumbai for an offence punishable under Sections 323, 507, 506(2) read with 34 of the Indian Penal Code.

3. Pending investigation the parties to the Petition have

settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 17th January 2019. In paragraph 4, she has stated that she has no objection if the subject FIR is quashed and set-aside. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing the proceedings of the subject criminal case/subject FIR out of 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. However, at the same time, costs need to be saddled on the parties for using the police machinery and use of 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.5,000/- each by the petitioners to **“Yashodhan Charitable Trust”**, (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFCS Code MAHB0000305) 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 writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

6. Subject to above, the criminal writ petition stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)