

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.386 OF 2017

Minakshi Bhagirat Khalita

.....Petitioner

Versus

The State of Maharashtra & Anr.

.....Respondents

Ms. Shipraa Tanna, Advocate for the Petitioner.

Mr. K.V. Saste, APP for the Respondent-State.

Ms. Sabah Khan, Advocate for Respondent No.2.

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

DATE : 22nd AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting aside the FIR No.806 of 2016 registered with Malwani Police Station, Mumbai, at the instance of Respondent No.2 against the petitioner for the offences punishable under Sections 354 & 506 of the Indian Penal Code, 1860.

3. The learned counsel appearing for the parties submitted that pending investigation, the parties have amicably settled their differences by mutual settlement and in pursuance of an understanding arrived at between them, the petitioner and Respondent No.2 themselves have approached this Court for quashing the subject FIR by consent. The

petition is affirmed by the petitioner. In paragraph 3 thereof, the statement is made that the petitioner and Respondent No.2 are very friendly and share a relation of mutual care and affection. It is further stated that the petitioner and Respondent No.2 were having many discussions and in a few of them the petitioner raised her voice which was appearing to be like a fight or a heated argument to the Respondent No.2 and at that point the Respondent No.2 had dialed 100 since he was uneasy and alarmed. It is also stated that thereafter police arrived at the residence of the petitioner and the petitioner was taken to the police station along with the Respondent No.2. It is further stated that the Respondent No.2 and the petitioner gave their accounts to the police who were doing their duty and thereon the subject FIR is registered. The petition further discloses that both the petitioner and Respondent No.2 subsequently have resolved their disputes and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the subject FIR by consent.

4. The petitioner has, accordingly, filed a separate affidavit dated 22nd August, 2019. In the said affidavit, she has stated that whatever averments made therein are true and correct and she wanted to quash and set aside the subject FIR. The petitioner and Respondent No.2 are personally present before the Court. On being questioned, they specifically stated that they have gone through the application, affidavit as

well as consent terms and have fully understood the contents thereof. The petitioner has further confirmed that she has given no objection for quashing the proceedings of the subject FIR out of her own free will and without there being any pressure or coercion.

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 proceedings of the subject criminal case 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 petition is allowed in terms of prayer clause (a) subject to payment of costs of 25,000/- to be paid by the Respondent No.2 to **“Advocates Association of Western India”** (having Account with Bank of India, A/c.No.000110100000816, IFSC Code BKID0000001). The Respondent No.2 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 subject FIR shall

be treated as *non-est*.

7. Subject to above, the writ petition is disposed off.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]