

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTON

WRIT PETITION NO. 515 OF 2019

Gautam Vishwanand Pashankar. ..Petitioner.

Versus

Revindra Eknath Kumavat & Another. ..Respondents.

Mr. H. P. Vyas for the Petitioner.

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

Mr. R. V. Pawaskar for Respondent No. 1.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 2, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner and the learned counsel for Respondent No. 1 and learned APP for the Respondent-State.

2. By this petition filed under Article 226 of the Constitution of India read with section 482 of Code of Criminal Procedure, 1973, the Petitioner is seeking to quash and set aside an FIR bearing CR.No.450 of 2018 registered with Warje Malwadi Police Station, Pune for the offence punishable under sections 420, 467, 468, 471 and 506II of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No. 1 herein.

3. The learned Counsel appearing for the respective

parties submitted that pending investigation, with the help and intervention of friends and well-wishers, the parties 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. 1.

4. Respondent No.1 has accordingly filed an affidavit dated 25th January 2019, wherein in paragraph 5 he has stated that he has no objection to quash the subject FIR. Respondent No.1 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.

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. 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.

6. 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. In that view of the matter, we allow this writ petition in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.25,000/- [Rupees twenty five thousand only], which shall be paid to **“Anandwan” Warora**, [payable in favour of “MAHAROGI SEWA SAMITI”], a non governmental organization espousing the cause of socially disadvantaged people by enhancing their livelihood capabilities through self-discovery and empowering them to contribute to the society. For the quashment to take effect, the Petitioner 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 proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]