

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 500 OF 2018

Smt. Shalakra Pandurang Desai. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

WITH

WRIT PETITION NO. 2406 OF 2015

Amit Pradeep Joshi and Anr. ..Petitioners.
Versus
State of Maharashtra & Others. ..Respondents.

Advocates in WP No. 500 of 2018.

Mr. Vinayak Patil for the Petitioner.
Ms. Sangita Shinde, APP for the Respondent-State.
Mr. Samrat Thakker i/b Jaideep Thakker for Respdt. No. 2.

Advocates in WP No. 2406 of 2015.

Mr. Samrat Thakker i/b Jaideep Thakker for the Petitioner.
Ms. Sangita Shinde, APP for the Respondent-State.
Mr. Vinayak Patil for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **August 13, 2019.**

P. C. :

1. Writ Petition No.500 of 2018 is filed by Shalakra Desai seeking quashment of FIR bearing CR.No. I-117/2016 registered with Kapurbawdi Police Station, Thane at the instance of Mr. Chaitanya Parekh for the offence punishable under sections 406, 408, 420, 467, 468, 471, 472, 448 and 452 read with 34 of the Indian Penal Code, 1860.
2. Writ Petition No.2406 of 2015 is filed by Amit Joshi and Chaitanya Parekh seeking to quash an FIR bearing CR. No. I-278/15 registered with Kapurbawdi Police Station at the instance

of Shalaka Desai for the offence punishable under section 420 read with 34 of the Indian Penal Code, 1860.

3. Thus, the proceedings are in the nature of cross-FIRs concerning the same incident, namely, sale of the flat.

4. The learned Counsel appearing for the respective parties submitted that pending investigation, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petitions are filed for quashing the above FIRs, by consent of the respective first informants.

5. In Writ Petition No.500 of 2018, on behalf of Respondent No.2, Mr. Chaitanya Parekh has filed an affidavit dated 24th July 2019. Likewise, in Writ Petition No. 2406 of 2015, Respondent No.2–Ms. Shalaka Desai has filed an affidavit dated 27th August 2018. By these affidavits, respective first informants have give no objection to quash the FIRs filed at their instance.

6. Both the first informants, who are arraigned as Respondent No.2 in the above writ petitions are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIRs initiated by them against the Petitioner.

7. 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 FIRs alive except ultimately burdening the Criminal Courts which are already overburdened.

8. 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 FIRs. Accordingly, writ petitions are allowed in terms of prayer clause (b).

9. In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners in the respective petitions with the cost of Rs.10,000/-, which shall be paid to **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipts thereof on the file of

this Court within the period of four weeks from today. Failing to pay cost and produce receipts within stipulated time, petitions shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]