

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 131 OF 2019

Rohit Sidram Khatal and Others. ..Applicants.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. P. G. Sarda for the Applicants.
Ms. S. D. Shinde, APP for the Respondent-State.
Mr. Ranjit Patil for Respondent Nos. 2 and 3.

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

Date : **April 8, 2019.**

P. C. :

1. Heard learned counsel appearing for the respective parties. This is an application made under section 482 of Code of Criminal Procedure, 1973, seeking to quash FIR bearing CR.No. 842 of 2018 registered with Fouzdar Chawdi Police Station, Solapur at the instance of Respondent No.2 for the offence punishable under sections 143, 147, 148, 324, 504, 506(2) of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the respective parties submitted that pending investigation into above FIR, 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 application is

filed for quashing the above FIR by consent.

3. Respondent No.2 (original complainant) as well as Respondent No. 3 (the injured person) have filed separate affidavits dated 1st March 2019 and 1st February 2019 respectively. In these affidavits, Respondent Nos.2 and 3 have given no objection to quash and set aside the subject FIR against the Applicants.

4. Respondent Nos.2 and 3 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, accord and without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR initiated by them against the Applicants.

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. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.5,000/- each [Rs. Five thousand only each], which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants 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, application 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.]