

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

CRIMINAL APPLICATION NO.145 OF 2019

Anish Shailesh Shahh & Anr. ... Applicants

Versus

VLCC Personal Care Ltd & Anr. ... Respondents

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Mr.Murtuza Najmi a/w Mr.Arvind Taral and Mr.Sanjay Prabhala for the Applicant Nos.1 and 2.

Mr.Ashish Sharma a/w Mr.Tamsin Monis for Respondent No.1.

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

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

DATE : 19th MARCH 2019

P.C.:-

1. Heard learned counsel for the applicant, learned counsel for respondent No.1 and learned APP for the Respondent-State.

2. The petition is filed for quashing and setting aside the FIR bearing MECR No.232 of 2016 registered with Goregaon Police Station, at the instance of respondent No.1 for an offence punishable under Sections 404, 406, 408, 420, 506(ii), 120(b) r/w 34 of the Indian Penal Code, 1860.

3. During the pendency of the investigation, parties settle their dispute and in pursuant of the settlement arrived between them, have approached this Court for quashing the subject FIR by consent.

4. At Annexure (C) page 16, the petitioner has placed on record the resolution of the respondent No.1-Company dated 29.01.2019. By the said resolution Mr.Haresh Devidas Shekokare, Senior Executive Finance, Maharashtra is authorized to mediate and settle the dispute between the parties in terms of the said authorization. Shri.Haresh Shekokare filed an affidavit dated on 01.02.2019, copy of which is at Annexure 'K' at page 42 of the petition. In para 7 he has given no objection to quash the subject FIR. The Mr.Haresh Shekokare is personally present in Court and on specific query he made a statement that he has gone through the petition and affidavit and understood the contents thereof. He specifically states that he has no objection to quash the subject FIR against the present petitioner.

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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

6. 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. Hence, we quash and set-aside the FIR bearing MECR No.232 of 2016 registered with Goregaon Police Station, Mumbai.

7. Accordingly, the subject FIR is quashed and petition is allowed in terms of prayer clause (b) subject to following:

- (i) The applicant shall pay an amount of Rs.25,000/- by way of costs to Tata Memorial Hospital within the period of four weeks from today and place the receipt of the same on record.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]