

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

CRIMINAL WRIT PETITION NO.718 OF 2019

Digamber Rohidas Agawane ..Petitioner
V/s.
The State of Maharashtra & Anr. ..Respondents

Mr.Sachin H. Deokar for the Petitioner.

Ms.S.D. Shinde, APP for the Respondent-State.

Mr.Rushikesh Kale for Respondent No.2.

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

DATE : 26th MARCH 2019

P.C.

1. Heard the learned counsel for the petitioner, learned counsel for respondent No.2 and the learned APP for the respondent-State.

2. The petition is filed for quashing and setting aside the FIR bearing No.504 of 2018 registered with Phaltan Police Station, at the instance of respondent No.2 for an offence punishable under Sections 406 and 420 of Indian Penal Code.

3. Pending investigation, the parties have settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject FIR/proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 26th March 2019. In paragraph 2, he has stated that he has no objection if the proceedings of the subject criminal case/subject FIR is quashed and set-aside. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition/application and affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceedings of the subject criminal case/subject FIR out of free will and without there being any pressure or coercion.

4. 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. 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioner to the “**Kirtikar Law Library**” . The petitioner 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 criminal petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal petition stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)