

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 229 OF 2019

Mr. Rakesh Omprakash Koshti and ors.Applicants
versus
Devender Jagminder and ors.Respondents

Ms. Sneha Malkar, advocate for the applicants.
Dr. F. R. Shaikh, APP for the State.
Mr. S. Shridharan, senior advocate along with Mr. N. V. Sawant I/b. Mr. Jayesh D. Talekar, advocate for respondent Nos. 1 to 3.

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

DATE : 16th APRIL, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing FIR No.156 of 2018 registered with Antop Hill Police Station, Mumbai, at the instance of respondent No.1, for the offences punishable under Sections 326, 324, 323, 504, 141, 142, 143, 144, 147 and 149 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at

between them, filed the instant application for quashing the subject FIR by consent. Respondent No.1/original complainant as well as respondent Nos. 2 and 3 – aggrieved persons have filed a common affidavit dated 1st March, 2019. In paragraph 9, they have given their no objection for quashing the subject FIR. Respondent Nos.1 to 3 are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and the affidavit as well and have fully understood the contents thereof. They further confirmed that they have given no objection for quashing the subject FIR on their own 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 FIR 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 application is allowed in terms of prayer clause (A) subject to payment of costs of Rs.10000/- by the applicants to the **“Yashodhan Charitable Trust”** (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The applicants 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

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

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]