

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1102 OF 2019**

Nikhil Atmaram Jadhav and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. D. S. Mhaispurkar I/b. Mr. Sameer Mangaonkar, advocate for the petitioners.
Mr. F. R. Shaikh, APP for the State.
Mr. S. S. Kharat, advocate for the respondent No.2.

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

DATE : 10th APRIL, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.66 of 2018 registered with Chakan Police Station, District Pune, at the instance of the respondent No.2 for the offences punishable under Sections 409, 420 read with with Section 34 of the Indian Penal Code, 1860.
3. Pending investigation, the parties to the petition settled their dispute amicably and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the proceedings of the subject FIR by consent. The respondent No.2 has

filed an affidavit dated 10th April, 2019. In paragraph 4 thereof, he has also given his no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the subject FIR out of his 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 subject 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.

6. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of 25,000/- (Rupees Twenty Five Thousand Only) to **“Tata Memorial Hospital”** an institution that takes

care of advanced and terminally ill cancer patients and, thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and order quashing the criminal proceedings shall be treated as non-est.

7. At this stage, it is pointed out by Mr. Mhaispurkar, learned counsel for the petitioners that in pursuance of the order dated 19th March, 2018 passed in criminal anticipatory bail application No.524 of 2018, the petitioner No.1 has deposited an amount of Rs.5,00,000/- with the Registry of this Court on 27th March, 2018 as a condition of bail. Mr. Mhaispurkar submitted that the said petitioner may be allowed to withdraw the said amount, since the subject FIR is quashed. Mr. Kharat, learned counsel for the respondent No.2, has no objection for withdrawal of the said amount by the petitioner No.1. In these circumstances, we grant liberty to the petitioner No.1 to apply for withdrawal of the said amount of Rs.5,00,000/- and, in the event, such an application is made, the Registry shall forthwith refund the said amount to the petitioner No.1.

8. Subject to above, the writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]