

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.305 OF 2019

Mrs. Reanu Naren Sharma & Ors. .. Applicants
Versus
State of Maharashtra & Anr. .. Respondents

Mr. Vikram Tarepatil for applicants
Mrs. A.S.Pai, APP for State
Ms. Swapna Dhimate for respondent No.2.

CORAM : RANJIT MORE &
SMT. BHARATI HARISH DANGARE, JJ.

DATE : 9th APRIL 2019.

P.C.

Heard learned Counsel for applicants, respondent No.2 and learned APP for State. The application is filed for quashing and setting aside the F.I.R. No.200 of 2017 registered with Tardeo police station for offences punishable under sections 419 and 420 of I.P.C.

2] Pending investigation, the parties have arrived at an amicable settlement and in pursuance thereof have filed consent terms. The have approached this Court for quashing of subject F.I.R.

3] Respondent No.2 is personally present in Court. Respondent No.2 has filed affidavit dated 9th April 2019. In para 8 thereof he has given no objection for quashing of F.I.R. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the Applicants.

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. 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.

5] 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.

6] Accordingly, the application is allowed in terms of prayer clause (b).

7] In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.10,000/-, 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 receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as *non-est*.

(SMT. BHARATI H. DANGRE, J)

(RANJIT MORE, J)