

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1341 OF 2019

Nitin Balasaheb Choudhary
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Tapan Thatte for the Petitioner.

Mr. F R. Shaikh, APP for the Respondent-State.

Mr. Sagar Tambe for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 25, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No.2 and learned APP for the Respondent-State. The petition is filed for quashing and setting aside the FIR bearing CR. No. 386/2016 registered with Chakan Police Station, Pune at the instance of Respondent No.2 for the offence punishable under sections 367, 326 and 452 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present

petition is filed for quashing the above FIR, by consent of Respondent No. 2.

3. Respondent No. has filed an affidavit dated 7th March 2019. In paragraph 9 thereof, he has given his consent for quashing the subject FIR against the Petitioners. Respondent No.2 is personally present before the Court. 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 Petitioners.

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. **Accordingly, petition is made absolute in terms of prayer clause (A).**

6. In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/- each, which shall be paid to **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipts 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 proceedings/FIR shall be treated as *non-est*. [Yashodhan Charitable Trust : Account No.: 60245873355 IFSC Code : MAHB0000305]

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]