

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

WRIT PETITION NO.1426 OF 2019

Mr. Jaysukhbhai Savjibhai Dubaria and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. A. R. Maurya along with Mr. Satyaprakash Sharma i/b. Arm Legal,
advocates for the petitioner.
Mr. H. J. Dedhia, APP for the State.
Mr. Sharad Rai, advocate for respondent No.2.

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

DATE : 12th JULY, 2019.

P. C. :

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

2. The petition is filed for quashing the FIR No.35 of 2019
registered with Sahar Police Station, Mumbai, at the instance of
respondent No.2, for the offence punishable under Section 379 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, filed the instant petition for quashing the subject FIR by
consent. Respondent No.2 has filed an affidavit dated 9th April, 2019. In
paragraphs 4 and 5, she has given her no objection for quashing the

subject crime. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject crime on her 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 alive 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.10000/- by the petitioners 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 petitioners 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 petition shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*..

6. At this stage, it is reported that one painting was recovered by Sahar Police Station and at present, it is in the custody of Sahar Police Station. Since the said painting admittedly belongs to respondent No.2, she is at liberty to apply for return of the said painting to Sahar Police Station. In the event, such an application is made by respondent No.2, Sahar Police Station shall handover the said painting to respondent No.2 within a period of two weeks from the date of application.

7. Subject to above, the writ petition stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]