

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 398 OF 2019**

Kunal Somnath Sawhney & ors. ...Applicants
Versus
The State of Maharashtra & anr. ...Respondents

Mr. Shantibhushan Nirmal, a/w Ms. Shama Khan, for the
Applicants.
Mr. F. R. Shaikh, APP for the State/Respondent no.1.
Mr. N. S. Patil, for Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED: 17th OCTOBER, 2019**

PC:-

1. Mentioned for production board. Taken up on production board in view of urgency.
2. Heard Mr. Nirmal, the learned Counsel for the applicants, Mr. Shaikh, the learned APP and Mr. Patil, the learned Counsel for respondent no.2.
3. The application is filed under Section 482 of Criminal Procedure Code for quashing and setting aside the FIR being CR No.100 of 2019, dated 16th March, 2019, registered with Kharghar Police Station, Navi Mumbai, at the instance of respondent no.2 for the offences punishable under Sections 3(1)(i)(j)(p)(r)(f)(v)(za)(E), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Pending investigation, the parties to the application have 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. The FIR was filed by respondent No.2. In pursuance of the settlement, Respondent no.2 – original complainant has filed Affidavit, dated 25th September, 2019. In the said Affidavit, in paragraph 3, respondent no.2 has stated that the subject FIR was lodged due to misunderstanding, which has been clarified and hence no dispute remains. In paragraph 6, he has given no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing and setting aside the subject FIR on his own free will and without there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the 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,¹ we find that no purpose would be served by keeping the criminal proceedings 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 application is allowed in terms of prayer Clause (a) subject to payment of costs of Rs.25,000/- by the applicants to the “**Tata Memorial Hospital**” an institution that takes care of the 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

1 2014 AIR (SCW) 2065