

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1679 of 2019**

Shri Ram Ramsharan SinghPetitioner
versus
The State of Maharashtra and ors.Respondent

Mr. R. R. Tripathi, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.
Mr. U. A. Lokegaonkar, advocate for respondent No.3.

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

DATE : 25th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing the FIR bearing CR No.1120 of 2018 registered with Tuling Police Station at Nalasopara at the instance of respondent No.3, for the offences punishable under Sections 143, 147, 149, 324, 323, 504 and 506 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject FIR by consent. Respondent No.3 as well as the aggrieved person – Gautam Govind Karmorkar have filed separate affidavits dated 27th March, 2019

and 22nd April, 2019 respectively, wherein they have given their no objection for quashing the subject FIR. Respondent No.3 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 further confirmed that he has given no objection for quashing the subject FIR on 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 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.

5. Accordingly, the FIR bearing CR No.1120 of 2018 registered with Tuling Police Station at Nalasopara at the instance of respondent No.3 is quashed subject to payment of costs of Rs.5000/- by the

petitioner 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 petitioner 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 writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

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

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]