

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 1906 OF 2019**

Kapil Gupta and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Chandey singh Shekhawat i/b Parinam Law Associates for the  
Petitioner.

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

Mr. T. R. Yadav for Respondent No. 2.

Coram : RANJIT MORE &  
N. J. JAMADAR, JJ.

Date : **September 9, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, learned  
counsel for Respondent No.2 and the learned APP for the  
Respondent-State.

2. By this petition filed under Article 226 of Constitution  
of India and section 482 of the Code of Criminal Procedure, 1973,  
the Petitioners are seeking to quash and set aside FIR bearing CR  
No. 189 of 2019 registered with Chaturshringi Police Station,  
Pune for the offence punishable under sections 420 and 406 read  
with 34 of the Indian Penal Code, 1860. The said FIR is registered  
at the instance of Respondent No.2 herein.

3. The learned counsel appearing for the respective

parties submitted that pending investigation into the subject FIR, parties have amicably settled their disputes and differences and entered into memorandum of understanding dated 14<sup>th</sup> August 2019. They have placed copy of the said MoU on record. In terms of the said understanding arrived at between the parties, now parties have approached this Court for quashing the subject FIR by consent of Respondent No. 2.

4. In this writ petition, Respondent No.2 has filed an affidavit dated 14<sup>th</sup> August 2019. After referring to the MoU, in paragraph 13 of the said affidavit, Respondent No.2 has given no objection to quash the subject FIR against the Petitioners.

5. 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.

6. Petitioners through their counsel submit that they will comply with the terms of the MoU dated 14<sup>th</sup> August 2019.

7. 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.

8. In the light of 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). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.25,000/- 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 Petitioners 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 receipts within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. [Yashodan Charitable Trust : Account No.: 60245873355 IFSC Code : MAHB0000305].

**[N. J. JAMADAR, J.]**

**[RANJIT MORE, J.]**