

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1911 OF 2019

Vivek Kumar Chandra and Others. ..Petitioners.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Amol V. Kumaria for the Petitioner.
Ms. Sangita Shinde, APP for the Respondent-State.
Mr. Ganesh Dalvi for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **October 14, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the 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 have sought to quash and set aside the FIR bearing CR. No. 7 of 2019 registered with Juhu Police Station, for the offence punishable under sections 406, 408, 420, 506 and 34 of the Indian Penal Code, 1860.
3. Learned counsel appearing for the respective parties submitted that pending investigation into above FIR, the parties have amicably settled their disputes and entered into settlement

agreement dated 20th September 2019. Copy of the said settlement agreement is placed on record. Counsel submitted that in terms of the said settlement, the parties have now approached this Court for quashing and setting aside the subject FIR by consent.

4. Respondent No. 2 has accordingly filed an affidavit dated 14th October 2019. In paragraph 3, she has given her no objection to quash the subject FIR registered at her behest against the Petitioners.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Petitioners.

6. The Petitioners too are personally present before the Court. Through their counsel they submitted that they will abide by the undertakings given in the said settlement.

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 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).

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]