

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2010 of 2019**

Mr. Sunil Parmanand Kewalramani and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Manoj Mohite with Mr. Pranav Badhena, Mr.Amol Phoujdar and
Mr.Amol Bavare i/b. Pragnya Legal, advocates for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Mr. Vikram Sutaria, advocate for the respondent No.2.

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

DATE : 16th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing and setting aside FIR bearing
C.R. No.372 of 2018 registered with Amboli Police Station, at the instance
of the respondent No.2, for the offences punishable under Sections 420
and 471 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute
amicably and in pursuance of an understanding arrived at between
them, they have now approached this Court for quashing the subject FIR
by consent. The respondent No.2 has filed an affidavit dated 15th April,
2019. A copy of the consent terms dated 14th April, 2019, entered into
between the parties is also annexed to the said affidavit. In paragraph

6 of the said affidavit, the respondent No.2 has given his consent for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, affidavit and the consent terms 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 subject 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 petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25000/- by the petitioners to the **“Anandwan”** (payable in favour of “MAHAROGI SEWA SAMITI, WARORA”) an institution which espouses the cause of socially

disadvantaged people by enhancing their livelihood capabilities through self discovery and empowering them to contribute to the Society. The petitioners shall pay the said cost and thereafter, 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.

6. At this stage, it is reported that the petitioner No.1 is arrested, and at present, he is in police custody in the subject FIR. Since we have quashed the subject FIR, it is directed that the petitioner No.1 shall be released forthwith if not required in any other offence.

7. It is further pointed out that a Look-out Circular (LoC) was also issued against the petitioners. It is stated that the LoC is issued in pursuance of the registration of the subject FIR and since the same is quashed and set-aside, the officials of Amboli Police Station shall take necessary steps to withdraw/quash or set-aside the same.

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

9. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]