

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 610 OF 2018
(Order is corrected as per the order dated 5-11-2019)**

1. Murugan Mookan Nadar
& Ors.

.. Applicants

Vs.

The State of Maharashtra
(Through Dharavi Police Station)
& anr.

.. Respondents

Mr.Satyamram R. Gaud for applicants.

Ms. Sangita Shinde, APP for respondent No.1-State.

Mr.M.R. Gawd for respondent no.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 1ST OCTOBER 2019

P.C.

1. Heard the learned counsel for the applicants, the learned APP for the respondent No.1-State and the learned counsel for the respondent No.2.

2. The application is filed seeking quashment of the first information report bearing No.152 of 2018, registered at the instance of respondent No.2 with Dharavi Police Station for the offences punishable under sections 452, 323, 504, 506, 427 read with 34 of the Indian Penal Code.

3. Pending investigation, the parties have settled their disputes amicably. In terms of the understanding arrived at between the parties,

they have approached this Court for quashing the subject FIR. Accordingly the respondent No.2 has filed an affidavit 25th September 2018 and in paragraph 5 of the affidavit, the respondent No.2 has given her no objection for quashment of the subject criminal proceedings. The respondent No.2 is personally present in the Court. On a specific query by this Court, the respondent No.2 stated that he has no objection to quash the subject criminal proceedings.

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**¹, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. Accordingly, the application is allowed in terms of prayer clause (b).

6. At the same time, costs need to be saddled on the applicants for using the police and judicial machinery for settling their personal disputes. In view of this, the applicants to pay a sum of Rs.25,000/- as costs. Hence, an amount of Rs.25,000/- to be paid to "**Tata Memorial Hospital**", an institution that takes care of the patients suffering from cancer at advance stage and/or terminally ill due to cancer. For the quashment to take effect,

1 2014 AIR SCW 2065

the applicants shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, the application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

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

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]