

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 616 OF 2018**

Mr. Navin Babu Damodar and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Sandeep Katke, advocate for the applicants.
Ms. Sangeeta D. Shinde, APP for the APP.
Mr. Kewal Ahya, advocate for the respondent No.2.

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

DATE : 15th APRIL, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The application is filed for quashing and setting-aside FIR bearing CR No.158 of 2018 registered with Dharavi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 504, 323, 324 and 326 read with Section 34 of the Indian Penal Code, 1860.
3. The applicants and the respondent No.2/complainant are relatives. Pending investigation, the parties to the application with the intervention of their elders and well-wishers 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. Respondent No.2 has filed an affidavit dated 15th April, 2019. In paragraph 5, he has given his no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving 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 alive 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 application is allowed in terms of prayer clause (A) subject to payment of costs of Rs.10,000/- by the applicants to

“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 applicants 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the subject FIR shall be treated as *non-est*.

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

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]