

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

CRIMINAL APPLICATION NO.579 OF 2019

Prakash Yashvant Ambekar	...Applicant
Versus	
The State of Maharashtra and Ors.	...Respondents

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Mr. V.P. Sutaria for the Applicant.
Mr. S.R.Shinde, APP for the Respondent No.1-State
Mr. V.V. Krishnan for the Respondent Nos.2 and 3.

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

DATE : 10th JULY, 2019.

P.C.:-

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside the FIR being C.R. No.263 of 2018 registered with Dindoshi Police Station, Mumbai, at the instance of the Respondent No.2 for offences punishable under Sections 326, 323, 504 and 506(1) of the Indian Penal Code, 1860.

3. The Applicant No.1 and the Respondent No.2 are husband and

wife. The Respondent No.3 is their daughter. The allegations made in the FIR are that the Applicant assaulted the Respondent Nos.2 and 3 with knife causing an injury on the finger of the left hand of the complainant.

4. Pending investigation the parties to the application have settled their dispute amicably and, entered into consent terms dated 25th June, 2019. Under the consent terms parties have decided to reside separately. The Applicant has agreed to pay the Respondent Nos.2 and 3 an amount of Rs.25,00,000/-. Out of this amount, an amount of Rs.10,00,000/- is already paid to the Respondent Nos.2 and 3 and further Rs.10,00,000/- is paid by way of Demand Draft No.204576. The Respondent No.2-complainant acknowledges receipt of the amount of Rs.20,00,000/-. The balance amount of Rs.5,00,000/- is to be paid after withdrawal of the domestic violence proceedings filed by the Respondent Nos.2 and 3. The Applicant states that after Respondent No.2 withdraws this proceedings, he will pay to her balance amount of Rs.5,00,000/-. Statement is accepted as undertaking to this Court.

5. In pursuant to the above understanding, arrived at between the Applicant and the Respondent Nos.2 and 3, the Applicant has filed the instant application for quashing the subject FIR by consent. Respondent Nos.2 and 3 have filed an affidavit dated 4th July, 2019. In paragraph 6, of the said affidavit they have given their no objection for quashing the

subject FIR. Respondent Nos.2 and 3 are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and the affidavit as well and have fully understood the contents thereof. They further confirm that they are giving no objection for quashing the subject FIR on their own free will and without there being any pressure or coercion.

6. 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 criminal proceedings 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.

7. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by the Applicant to the **“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 Applicant 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 criminal application shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

8. Subject to above, the criminal application stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]

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