

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

CRIMINAL WRIT PETITION NO.2149 OF 2016

A.V. Rajan & Anr.

..Petitioners

V/s.

The State of Maharashtra & Ors.

.. Respondents

Mr.Aabad Ponda a/w Mr.Amit Jajoo, Mr.Victor Basu i/b PKA
Associates for the Petitioners.

Mrs.Smita G. Dandige for Respondent No.2.

Mr.K.V. Saste, APP for the Respondent-State.

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

DATE : 01st APRIL 2019

P.C.

1. Heard learned counsel for the petitioners, learned APP
and learned counsel for respondent No.2.

2. The Petition is filed for quashing and setting aside the
FIR bearing C.R. No.193 of 2016 registered with Parksite Police
Station, Mumbai for an offence punishable under Sections 380, 453
and 454 read with 34 of the Indian Penal Code.

3. Pending investigation, parties settled their dispute

amicably, prepared and entered into the Consent Terms dated 27.02.2019. In terms of those Consent Terms parties have approached this Court for quashing the subject FIR by consent.

4. The Respondent No.2-Original Complainant has filed affidavit dated 19.03.2019 along with the Consent Terms referred above and the Resolution of the Respondent No.3-Home Collective India Pvt Ltd. authorizing her to comprise this dispute is annexed herewith. In paragraph Nos.4 and 7, she has given no objection to quash the subject FIR and Respondent No.2 is personally present in Court. On specific query, she has made a statement that she has gone through the petition and affidavit and understood the contents thereof. She specifically states that she has no objection to quash the subject FIR against the present petitioner's.

5. 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.

6. 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. Hence, we quash and set-aside the FIR bearing C.R. No.193 of 2016 registered with Parksite Police Station, Mumbai.

7. Accordingly, the subject FIR is quashed and application is allowed in terms of prayer clause (a) subject to following:

(I) The petitioners shall pay an amount of Rs.10,000/- each by way of costs to ***Tata Memorial Hospital*** within the period of four weeks from today and place the receipt of the same on record.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)