

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.666 OF 2019**

Shri Vishwajeet Subhash Jhavar and anr. versus Senior Police Officer, Chaturshungi Police Station, Pune and ors.	Applicants Respondents
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Mr. Amit Ashok Gharte, advocate for the applicants.
Mr. S. R. Shinde, APP for the State.
Mr. Karan Parmar, advocate for respondent No.2.

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

DATE : 3rd JULY, 2019.

P. C. :

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

2. The criminal application is filed for quashing and setting aside the FIR No.461 of 2019 registered with Chaturshringhi Police Station, Pune, at the instance of respondent No.2 against the applicants for the offences punishable under Sections 420, 465 and 409 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of Maharashtra Ownership of Flats Act, 1963.

3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject crime by consent. Respondent No.2 has filed an affidavit dated 11th June, 2019. In paragraph 3 thereof, he has given his no objection to quash 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 affidavit as well and has fully understood the contents thereof. He also stated that he has received the entire refund including interest and compensation from the applicants and cancel deed has also been executed, and therefore, has no objection if the subject FIR is quashed and set-aside.

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 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 criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- (Rs.25,000/- to be paid by each of the applicant) to “**Tata Memorial Hospital**” an institution that takes care of advanced and terminally ill cancer patients and, thereafter, 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 order quashing the criminal proceedings shall be treated as non-est.

6. Subject to above, the criminal application is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]