

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

WRIT PETITION NO. 3148 of 2019

Mr. Vijay Singh S/o. Chandrashekhar Singh	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Sachin Upadhyay along with Ms.Sweta Valecha i/b. P. H. Jaggi,
advocate for the petitioner.
Mr. A. M. Saraogi, advocate for respondent No.2.
Mr. H. J. Dedhia, APP for the State.

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

DATE : 12th JULY, 2019.

P. C. :

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

2. The petition is filed by the petitioner who is accused No.1 for quashing and setting aside the FIR bearing Cr No.700 of 2016 registered with D.N.Nagar Police Station at Mumbai, at the instance of respondent No.2, against 3 accused for offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the petitioner and respondent No.2 settled their dispute amicably and, accordingly, entered into MOU dated

10th April, 2019, a copy of which is annexed at “Exhibit D”, page 26. The MOU is signed by the petitioner and respondent No.2. Learned counsel appearing for the petitioner and respondent No.2 make a statement that the parties will abide by the terms and conditions of the said MOU and adhere to the schedule of payment mentioned in paragraphs 5 and 6 of the MOU. In the light of this, we accept the undertaking given by the parties in the said MOU.

4. In the light of above understanding, the parties have now approached this Court for quashing the subject crime by consent. Respondent No.2 has, accordingly, filed an affidavit dated 13th May, 2019. In paragraph 3, he has given his no objection for quashing of the above mentioned FIR subject to compliance of the terms of the said MOU. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, MOU and affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the subject FIR out of his own free will and without there being any pressure or coercion.

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 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.

6. Accordingly, the writ petition is allowed in terms of prayer clause (A) subject to payment of costs of 25,000/- by the petitioner 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 writ petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as non-est.

7. Subject to above, the writ petition is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]