

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

CRIMINAL APPLICATION NO. 730 OF 2018

Sanjay Jayantilal Chandawat
& Anr.

.. Applicants

Vs.

State of Maharashtra
& Anr.

.. Respondents

Ms.V.P. Sangvikar for applicants.

Mr.F.R. Shaikh, APP for respondent No.1-State.

Ms.Rati S. Sinhasane for respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.
DATE : 28TH AUGUST 2019**

P.C.

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

2 The application is filed for quashing and setting aside the First Information Report bearing C.R. No.234 of 2017 registered with Taloja Police Station, Raigad/Navi Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 420 and 409 of the Indian Penal Code, 1860.

3 Pending investigation, parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have

approached this Court for quashing the subject FIR. Respondent No.2 has filed an affidavit, dated 27th February 2019 and in paragraphs 1 to 4, following averments are made :

“01. I’m the original complainant, in a F I R No.234 of 2017 registered with Taloja police station on 24/12/2017 for the offences punishable under section 420 and 409 of the Indian Penal Code and later on added section 410 and 411 of the Indian Penal Code.

02. I say that I am filing this affidavit to bring true fact before this Hon'ble High Court and to support the case of the applicants and further requesting to quash the FIR against the applicants and further requesting to quash the FIR against the applicants in the aforesaid Criminal Application No. 730 of 2018.

03 I say that as per the meeting conducted in the business community, the Business Community and the Applicants have paid me the entire amount of my missed/lost goods. Therefore, it is humble request to the Hon'ble High Court to quash the FIR against the present applicants.

04 I say that, applicants are innocent person and not indulge in any of the illegal activity. I say that this is civil nature of the dispute therefore this FIR can be quashed against the present applicants.”

4 Respondent No.2 is personally present in Court. On specific query made by us, the respondent No.2 stated that he has no objection for quashing the proceedings of the subject FIR.

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*¹, 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 machinery for settling their personal disputes.

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

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

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 2014 AIR SCW 2065