

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2931 OF 2018

Rohan Sanjay Awate and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Rahul Arote for the Petitioner.

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

Ms. Nargis A.Khan for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 14, 2019.**

P. C. :

1. At the outset, learned counsel for the Petitioner seeks leave to amend the prayer clause (b) in order to incorporate the details of criminal proceeding. Leave granted. Necessary amendments be carried out forthwith.

2. Heard learned counsel for the Petitioner, learned counsel for Respondent No.2 and learned APP for the Respondent-State. The petition is filed for quashing the proceedings of criminal case bearing No. CC No. 519/PW/2017 pending on the file of learned Metropolitan Magistrate, 40th Court, Girgaum, Mumbai. The said case is an offshoot of the registration of FIR bearing C.R N. 121 of 2017 with Gamdevi Police Station against the Petitioner and at the instance of Respondent No. 2. The offence alleged to have been committed by the Petitioner are punishable under sections 142, 143, 144, 147, 149, 323, 325, 504 and 506 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, with the help and intervention friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR / criminal proceedings, by consent of Respondent No. 2.

4. Respondent No. 2 has filed an affidavit dated 29th June 2019. In paragraph 6 of the said affidavit, he has given no objection to quash the proceedings of above criminal proceedings. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR /criminal proceedings initiated by him against the Petitioners.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR/criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR/criminal proceedings. Accordingly, petition is allowed in terms of prayer clause (b). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.5,000/- each [Rs.five thousand only each] which shall be paid to **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipts thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]