

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3608 OF 2019

Hiteshbhai Ganpatbhai Oza & Ors.Petitioners
Versus
The State of Maharashtra & Anr.Respondents

Ms. Siddhi Bhosale i/b. Shantanu Phanse, Advocate for the Petitioners.
Mr. S.R. Shinde, APP for the Respondent-State.
Mr. K.Y Mali, Advocate for Respondent No.2.

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

DATE : 5th AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing and setting aside the FIR bearing M.E.C.R.No.08 of 2018 registered with Khar Police Station, Mumbai, at the instance of Respondent No.2, for the offences punishable under Sections 420, 406, 120(B) read with Section 34 of the Indian Penal Code, 1860.
3. Pending investigation of the subject FIR, the parties have settled their disputes amicably and accordingly, they have filed Consent Terms dated 28.04.2019, a copy of which is annexed at "Exhibit B", Page No.17.

4. In pursuance of consent terms arrived at between the parties, they have now approached this Court for quashing the subject FIR by consent. The Respondent No.2 has also filed an affidavit dated 28.04.2019. In Paragraph 4 thereof, he has also given his no objection for quashing the subject FIR. The Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, consent terms 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 proceedings of the subject criminal case 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 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 20,000/- to be paid 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 subject 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.]