IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.892 OF 2019

Shri Shridhar Chandrakant Joshi ….Applicant
versus
The State of Maharashtra and anr. ….Respondents

Ms. Pranothi B. Pawar, advocate for the applicant.
Mr. S. R. Shinde, APP for the State.
Ms. Saroj N. Jadhav, advocate for respondent No.2.

CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.

DATE : 30th AUGUST, 2019.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No. 311 of 2019 registered with Kandivali Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 324, 506(II), 323, 504 and 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 16th July, 2019.

In paragraph 8, he has given his no objection for quashing 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 the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the subject FIR on his own free will and without there being any pressure or coercion.

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 FIR 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the applicant to the **"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 applicant 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 criminal proceedings shall be treated as *non-est*.

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

[N. J. JAMADAR, J.] **[RANJIT MORE, J.]**