

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 946 OF 2019**

Akhil P. S. & ors.	Versus	...Applicants
State of Maharashtra & ors.		...Respondents

Ms. Saili N. Dhuru, i/b K. S. Patil, for the Applicants.
Mr. K. V. Saste, APP for the State/Respondent.
Mr. Mayur Thorat, for Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED: 4th OCTOBER, 2019**

PC:-

1. Heard Ms. Dhuru, the learned Counsel for the applicants, Mr. Saste, the learned APP for the State and Mr. Thorat, the learned Counsel for respondent no.2.
2. The application is filed under Section 482 of Criminal Procedure Code for quashing and setting aside the FIR being CR No.148 of 2019, dated 29th March, 2019, registered with Mulund Police Station at the instance of respondent no.2 for the offences punishable under Sections 394, 323, 504 read with Section 34 of Indian Penal Code.
3. Pending investigation, the parties to the application have 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. The FIR

was filed by respondent No.2. In pursuance of the settlement, Respondent no.2 has filed Affidavit, dated 14th August, 2019. In the said Affidavit respondent no.2 has given no objection for quashing and setting-aside 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 and setting aside 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 the 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 mechanism for settling their personal disputes.

1 2014 AIR (SCW) 2065

5. Accordingly, the application is allowed in terms of prayer Clause (a) subject to payment of costs of Rs.10,000/- 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]