

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3865 OF 2019

Mr. Sachin Jaiswar & ors. ...Petitioners

Versus

The State of Maharashtra & anr. ...Respondents

Mr. Aditya Salve I/b Wasim N. Samlewale, for the
Petitioners.

Mr. A. D. Kamkhedkar, APP for the State/Respondent no.1.

Mr. A. P. Giri, for Respondent no.2.

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

DATED: 19th AUGUST, 2019

PC:-

1. Heard Mr. Salve, the learned Counsel for the petitioners, Mr. Kamkhedkar, the learned APP for the State and Mr. Giri, the learned Counsel for respondent no.2

2. The petition is filed under Article 226 of the Constitution of India and Section 482 of Criminal Procedure Code for quashing and setting aside the FIR being CR No.82 of 2018 registered with Wadala Police Station at the instance of respondent no.2 for the offences punishable under Sections 452, 323, 324, 427, 504, 506 read with Section 34 of Indian Penal Code.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an

understanding arrived at between them, filed the instant petition 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 24th July, 2019. In paragraphs 6 and 7, he 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 petition 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 allegation 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

1 2014 AIR (SCW) 2065

judicial mechanism for settling their personal disputes.

5. Accordingly, the petition is allowed in terms of prayer Clause (a) subject to payment of costs of Rs.10,000/- by the petitioners 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 writ petition 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 writ petition stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]