

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1019 OF 2016

Pooja Vinodkumar Kejriwal & Ors.

..Applicants

V/s.

The State of Maharashtra & Anr.

.. Respondents

Mrs.Smita G. Dandige for the Applicant.

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

Mr.A.H. Ponda a/w Mr.Amit Jagoo, Mr.Victor Basn i/b PKA
Advocates for Respondent No.2.

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

DATE : 01st APRIL 2019

P.C.

1. At the request of learned counsel for the applicant, leave to amend the cause title and implead the original complainant as party respondent. Leave is granted. Necessary amendment shall be carried out forthwith.

2. Heard learned counsel for the applicants, learned APP and learned counsel for respondent No.2.

3. The Criminal Application is filed for quashing and

setting aside the FIR bearing C.R. No.267 of 2016 registered with Parksite Police Station, Mumbai for an offence punishable under Sections 420 and 385 read with 34 of the Indian Penal Code.

4. Pending investigation, parties settled their dispute amicably, prepared and entered into the Consent Terms dated 27.02.2019. In terms of those Consent Terms parties have approached this Court for quashing the subject FIR by consent.

5. The Respondent No.2 has filed affidavit dated 19.03.2019 along with Consent Terms referred above and the Resolution of the “R-Mall Developers Private Limited.” authorizing him to compromise this dispute is annexed herewith. In paragraph Nos.4 and 7 he has given no objection to quash the subject FIR and Respondent No.2 is personally present in Court. On specific query, he has made a statement that they have gone through the petition and affidavit and understood the contents thereof. He specifically states that he has no objection to quash the subject FIR against the present applicants.

6. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. However, at the same time, costs need to be saddled on the parties for using the police machinery and use of judicial mechanism for settling their personal disputes. Hence, the applicants are liable to pay cost.

We quash and set-aside the FIR bearing C.R. No.276 of 2016 registered with Parksite Police Station, Mumbai subject to the condition of the applicants depositing an amount of Rs.10,000/- each by way of costs to “*Tata Memorial Hospital*”, *Mumbai* within the period of four weeks from today and place the receipt of the same on record.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)