

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

CRIMINAL APPLICATION NO. 974 OF 2019

Sameer Subhash Vora

.....Applicant

versus

The State of Maharashtra and Anr.

.....Respondents

Mr. K.U. Nikam, for the Applicant.

Mr. Deepak Thakare, PP a/w Mrs. A.S. Pai, APP for Respondent No.1-State.

Mr. L.R. Odhekar, for Respondent No.2.

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

DATE : 13th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. By this application is filed under Section 482 of the Code of Criminal Procedure, 1973, the applicant has prayed for quashing and setting aside the FIR bearing CR No. 219 of 2018 registered with Marketyard Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 420, 406 of the Indian Penal Code and Sections 43A,

66, 66-C, 85 of the Information and Technology Act.

3. Learned counsel appearing for the respective parties submitted that pending investigation, into above FIR the parties have settled their disputes amicably and filed consent terms before the Arbitrator. The copy of consent terms is at Exh. C, page 21 of the application. The consent terms are signed by the petitioner and respondent no.2 and, in pursuance of an understanding arrived at between them, parties have filed the instant application for quashing the FIR by consent. Accordingly, respondent No.2 has filed an affidavit dated 27th August, 2019. In paragraph 5, he has given his no objection for quashing and setting aside the subject FIR.

4. 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.

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 subject FIR alive 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- 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*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]