

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1009 OF 2019

Hiralal Vitthal Gajjam and Another. ..Applicants.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Priyal G. Sarda for the Applicants.
Mr. Vikram V. TarePatil for Respondent No. 2.
Mr. F. R. Shaikh, APP for the Respondent-State.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **September 9, 2019.**

P. C. :

1. Heard learned counsel for the Applicants, learned counsel for Respondent No.2 and the learned APP for the Respondent-State. The application is filed invoking the jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973, seeking to quash and set aside the FIR bearing CR. No. 58 of 2019 registered with Jail Road Police Station at the instance of Respondent No.2 for the offences punishable under sections 420, 417, 467, 468 and 34 of the Indian Penal Code, 1860.

2. Llearned Counsel appearing for the respective parties submitted that pending investigation of the subject FIR, with the help and intervention of friends and well-wishers, the

parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR, by consent of Respondent No.2.

3. Respondent No.2 has filed an affidavit dated 9th September 2019. In paragraph 18 of the said affidavit, he has given no objection to quash the subject FIR registered at his instance against the Applicants.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the Applicants.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan

Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, application is allowed in terms of **prayer clause (b)**. In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.5,000/-, [Rs. Five thousand only], which shall be paid to **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]