

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

WRIT PETITION NO. 4026 of 2019

Ramashankar Puran Sharma	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Sagar Batavia i/b. Mr. N. K. Singh, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. P. C. Naik, advocate for respondent No.2.

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

DATE : 26^h AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.325 of 2019 with Kandivali Police Station, at the instance of the respondent No.2 against the petitioner for the offences punishable under Sections 354, 354D and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the subject FIR by consent.

The respondent No.2 has, accordingly, filed an affidavit dated 1st August, 2019. In paragraph 3 thereof, she has also given her no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the subject FIR out of her 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 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 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- to “**Tata Memorial Hospital**” an institution that takes care of advanced and terminally ill

cancer patients and, thereafter, 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 order quashing the FIR shall be treated as non-est.

6. Subject to above, the writ petition is disposed off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]