

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

CRIMINAL APPLICATION NO. 1083 OF 2019

Sachin Awale

.. Applicant

Vs.

1) The State of Maharashtra
& Anr.

.. Respondents

Mr.R.V. Newton for applicant.

Mr.Avinash Kamkhedkar, APP for respondent No.1-State.

Mr.Omkar G. Nagvekar for respondent No.2.

Mr.Sachin Awale-applicant present.

Mr.Sandip Ishwar Bhanushali-respondent No.2 present.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.
DATE : 28TH AUGUST 2019**

P.C.

1 Heard the learned counsel for the applicant, the learned counsel for the respondent No.2 and the learned APP for State.

2 The application is filed for quashing and setting aside the First Information Report bearing C.R. No.40 of 2019 registered with Dharavi Police Station, Mumbai against the respondent No.2, for the offences punishable under sections 420, 465, 469, 417 and 500 of the Indian Penal Code, 1860.

3 Pending investigation of the subject FIR, parties have amicably

settled their dispute and pursuant to the understanding arrived at between them, they have approached this Court for quashing the subject FIR. The respondent No.2 has filed an affidavit, dated 8th August 2019. In paragraph 4 of the said affidavit, the respondent No.2 has stated that he has no objection for quashing and setting aside the subject FIR. The respondent No.2 is personally present in Court. On specific query made by us, the respondent No.2 stated that he has no objection for quashing the proceedings of the subject FIR and he has filed the affidavit on her 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*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 judicial machinery for settling their personal disputes.

5 Accordingly, the application is allowed in terms of prayer clause (b),

1 2014 AIR SCW 2065

subject to payment of costs of Rs.10,000/- by the applicant to “**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 FIR shall be treated as *non-est*.

6 Subject to above, the criminal application stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]