

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3216 OF 2016

Shri. Shaukat Alam Patel & Ors.Petitioners
Versus
The State of Maharashtra & Ors.Respondents

Mr. Sachin B. Thorat, Advocate for the Petitioners.
Mr. K.V. Saste, APP for the Respondent-State.
Mr. S.S. Aradhye, Advocate for Respondent No.3.

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

DATE : 22nd JULY, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No.335 of 2015 registered with Pandharpur Taluka Police Station, Pandharpur, District. Solapur, at the instance of respondent No.3 Anil Kashinath Mulye at the behest of Vitthal Sahakari Sakhar Karkhana for the offence punishable under Section 420 read with Section 45 of the Indian Penal Code, 1860.
3. The allegation in the said FIR is that each of the petitioners has taken advance of Rs.3 Lacs from Vitthal Sahakari Sakhar Karkhana towards supply of labour for the year 2006-07, 2007-08 and despite this advance, they have not supplied the labour.

4. This Court initially by way of interim order dated 20th September, 2016 issued notice to the respondents and directed that not to file charge-sheet in the subject crime, and therefore, as on today charge-sheet is not filed.

5. Meanwhile, parties to the petition settled their dispute amicably and, now request for quashing the proceedings of the subject FIR by consent. One Rajaram Sahaji Mehtre, Deputy Chief Accountant working with Vitthal Sahakari Sakhar Karkhana Pandharpur has filed an affidavit dated 20th July 2019. The affidavit discloses that Rajaram Mehtre has been given authority by the Vitthal Sahakari Sakhar Karkhana to compromise the matter. The authorization of the said Karkhana is annexed along with the said affidavit. In paragraph 3, he has given his no objection for quashing the subject FIR. Mr. Rajaram Mehtre is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the subject FIR on his own free will and without there being any pressure or coercion.

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 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.

7. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by the petitioners 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 petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

8. Subject to above, the criminal writ petition stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]