

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3791 OF 2018

Shyamsunder Radheshyam Agrawal. ..Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Sandesh D. Patil i/b Prithviraj S. Gole for the Petitioner.
Mr. K. V. Saste, APP for the Respondent-State.
Mr. P. A. Gokhale for Respondent No.2.

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

P. C. :

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.2 and learned APP for the Respondent-State.
2. The petition is filed seeking to quash and set aside the FIR bearing CR.No.I-218 of 2010 registered with Bhayander Police Station. The said FIR is registered at the instance of Respondent No.2 wherein the allegations are levelled against the Petitioner of commission of offences punishable under sections 406, 420, 465, 466, 467, 468 and 471 of the Indian Penal Code, 1860.
3. The learned counsel appearing for the respective parties submitted that pending investigation in the subject FIR,

with the help and intervention of friends and well-wishers, the parties settled their disputes amicably and have filed terms of compromise before the Civil Judge, Senior Division, Thane in Special Civil Suit No.748 of 2008 and subsequently in terms of the compromise, learned Single Judge of this Court has disposed of Suit Nos.748 of 2008 and 20 of 2010 in terms of the compromise by passing order dated 20th July 2018 in Civil Writ Petition Nos.6865 of 2018 and 6866 of 2018. The said compromise terms are accepted by the learned Single Judge of this Court. Under clause 10 of the said compromise, Respondent No.2 has agreed to withdraw the FIR and/or give no objection to quash the subject FIR. In terms of this understanding arrived at between the parties, they have approached this Court by present writ petition for quashing the subject FIR by consent of Respondent No. 2.

4. In the instant petition, Respondent No.2 has filed an affidavit dated 9th September 2019, wherein in paragraph 7, he has given no objection to quash the subject FIR against the Petitioner. 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 Petitioner.

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. 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. In the light of 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, petition is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, 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 Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

5. At this stage, it is pointed out that original documents are seized by Respondent No. 1 Police Station from the Petitioner. Since we have quashed the subject FIR, we direct the concerned Police Station to return the said documents to the Petitioner.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]