

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICITON

WRIT PETITION NO. 3877 OF 2018

Kartik Kisan Landge and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

WITH

WRIT PETITION NO. 1486 OF 2019

Prashant Bharat Kanpile and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Abid Mulani I/b P. P. Patil for the Petitioners.

Mr. Atharva A. Dandekar for Respondent No. 2.

Mrs. A. S. Pai, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : March 27, 2019.

P. C. :

1. Heard the learned counsel for the Petitioners, the learned counsel for Respondent No.2 and the learned APP for the Respondent-State.

2. The Petitioners in these petitions are arraigned as accused in FIR bearing CR No.566 of 2018 registered with Chakan Police Station, Pune. The said FIR came to be registered at the instance of Respondent No.2 for the offence punishable under section

420 read with 34 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties submitted that pending investigation into above 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 petitions are filed for quashing the above FIR, by consent of Respondent No.2.

4. Respondent No. 2 has filed an affidavit dated 27th March 2019. In paragraph 2 of the said affidavit, he has stated that dispute pertaining to the complaint has been amicably settled between himself and the Petitioners and hence he does not have any objection for quashing of the FIR.

5. 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 Petitioners.

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. 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.

7. 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, petitions are allowed and made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/- each [Rs. Ten thousand only each] 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 Petitioners shall pay the said cost and produce the receipts 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, petitions shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]