

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1175 OF 2019**

Mark GomesApplicant
versus
The State of Maharashtra and Anr.Respondents

Mr. Pandit Kasar i/b Vis Legis Law Practice, for the Applicant.
Mr. K.V. Saste, APP for the State.
Mr. Omkar M. Kulkarni, for Respondent No.2.

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

DATE : 26th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. By this application filed under Section 482 of the Code of Criminal Procedure, 1973, the applicant has prayed for quashing and setting aside FIR bearing CR No. 299 of 2019 registered with Dahisar Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 279 and 337 of the Indian Penal Code.

3. Learned counsel appearing for the respective parties

submitted that pending investigation into above FIR, the parties have settled their disputes amicably and in pursuance of the understanding arrived at between them, now parties have filed the instant application for quashing the subject FIR by consent. Accordingly, respondent No.2 has filed an affidavit dated 23rd September, 2019. In paragraph 5, he has given his no objection for quashing and setting aside the subject FIR.

4. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing and setting aside the subject FIR on his own free will and without there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of record, it transpires that the allegations are totally personal in nature. The offence alleged cannot be said to have any impact on the society. There is no element of public law involved in the alleged crime. 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 alive except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- 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 application shall stand dismissed automatically without further reference to the Court and order quashing the subject FIR shall be treated as non-est.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]