

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4029 OF 2018

Luv Ranjan Gupta and Another. ..Petitioners.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. N. S. Mundargi I/b Trisha Bhattacharya for the Petitioner.
Mr. S. R. Shinde, APP for the Respondent-State.
Mr. Agastya Desai I/b Kunal Ambulkar for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **March 12, 2019.**

P. C. :

1. Heard learned counsel for the respective parties. The petition is filed seeking to quash FIR bearing CR. No. 134 of 2017 registered with MIDC Police Station, Mumbai at the instance of Respondent No. 2 for the offence punishable under sections 406, 409 and 420 read with 34 of the Indian Penal Code, 1860.
2. Learned counsel for the respective parties submitted that pending investigation in the above FIR, the Petitioners and Respondent No.2 settled their disputes amicably and entered into settlement terms. Copy of the settlement terms is annexed at Exhibit-B to the petition. Thereafter parties have approached this Court for the quashment of above FIR by consent.
3. Accordingly, Respondent No. 2 has filed an affidavit

dated 12th March 2019. In paragraph 3 he has stated that the dispute between him and the Petitioners was of civil nature and the same is settled. In paragraph 4, he has given no objection to quash the proceedings of subject FIR.

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.

5. 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. IN that view of the matter, writ petition is allowed in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion,

we find it would be appropriate to saddle the Petitioners with the cost of Rs.25,000/- [Rs. Twenty five thousand only], which shall be paid to **“Yashodhan Charitable Trust, Satara”** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Petitioners 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*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]