

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1124 OF 2018

Ashok Uttamrao Deshmukh & Ors. ..Applicants.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. Pravin Dabade i/b S. D. Patil for the Applicant.
MS. Sangita Shinde, APP for the Respondent-State.
Mr. S. V. Mahadik for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **August 13, 2019.**

P. C. :

1. Heard the learned counsel for the Applicants, the learned APP for the Respondent-State and the learned counsel for Respondent No.2.
2. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash the FIR bearing C.R.No. 93 of 2016 registered with Igatpuri Police Station, Rural Nashik at the instance of Respondent No. 2 for offence punishable under section 420 read with 34 of the Indian Penal Code, 1860.
3. The Applicants and Respondent No.2 are the siblings. The FIR is filed on the allegation that the Applicants sold the share of Respondent No.2 in the subject property without her consent.

4. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into the subject FIR, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR, by consent of first informant, i.e. Respondent No. 2.

5. Respondent No.2 has accordingly filed an affidavit dated 16th September 2018 wherein she has stated on oath that dispute between herself and the Applicants is amicably settled and as such she has no objection for quashing the subject FIR registered against the Applicants at her instance.

6. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Applicants.

7. 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. The dispute is predominantly of civil nature. 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.

8. 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, application 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 Applicants with the cost of Rs.5,000/-, 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 Applicants 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, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]