

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4702 OF 2018

Mr. Umesh Himmatlal GandhiPetitioner
Versus
Kamlesh Anilkumar Sharma & Ors.Respondents

Mr. Majid Bandekar i/b. Pravin Mehta & Mehta Co., Advocate for the
Petitioner.
Mr. S.R. Shinde, APP for the Respondent-State.
Mr. Kishor Salunkhe, Advocate for the Respondent Nos.1 and 2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 5th AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing and setting aside the FIR bearing C.R.No.164 of 2015 registered with Kurar Police Station, at the instance of Respondent Nos.1 and 2, for the offences punishable under Section 420 of the Indian Penal Code, 1860.
3. Pending investigation of the subject FIR, the parties have settled their disputes amicably and accordingly, they have filed Consent Award dated 30.10.2017 passed by the Sole Arbitrator, a copy of which is annexed at "Exhibit E", Page No.63.

4. In the light of the consent award arrived passed by the Sole Arbitrator, they have now approached this Court for quashing the subject FIR by consent. The Respondent No.1 has accordingly filed an affidavit dated 17.06.2019. In Paragraph 8 thereof, he has also given his no objection for quashing the subject FIR. Along with the said affidavit, a certified copy of the resolution passed by the Respondent No.2 authorizing the Respondent No.1 to compromise the dispute, is also annexed. The Respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition, consent award and affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the subject FIR out of 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 complaint, it transpires that the allegations are totally personal in nature. 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 proceedings of the subject criminal case pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for

settling their personal disputes.

6. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.20000/- by the petitioners to the “**Anandwan**” (payable in favour of “MAHAROGI SEWA SAMITI, WARORA”) an institution which espouses the cause of socially disadvantaged people by enhancing their livelihood capabilities through self discovery and empowering them to contribute to the Society. The petitioner shall pay the said cost and thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as non-est.

7. Subject to above, the writ petition is disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]