

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1380 OF 2018

Jagrut Suryakant Raut & Ors. ... Applicants

Versus

The State of Maharashtra & Ors. ... Respondents

**WITH
CRIMINAL APPLICATION NO.1381 OF 2018**

Sunil Kishor Chaurasiya & Ors. ... Applicants

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr.U.P. Warunjikar for the Applicants.

Mr.F.R. Shaikh, APP for the Respondent-State.

Mr.Vaibhav Ashok Patil, Respondent No.2-present in person
in APL No.1380 of 2018.

Mr.Dushant Deepak Patil, Respondent No.2-present in
person in APL No.1381 of 2018.

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

DATE : 19th MARCH 2019

P.C.:-

1. The learned counsel for the applicants seek leave to amend the prayer clause. Leave granted. Necessary amendment shall be carried out forthwith.

2. Heard learned counsel for the applicants, learned APP and respondent No.2 in both APL present in person.

3. Criminal Application No.1380 of 2018 is filed for quashing and setting aside the FIR bearing C.R. No.I 310 of 2018 registered with Arnala Police Station, District-Palghar for an offence punishable under Sections 392, 323, 504, 506 read with 34 of the Indian Penal Code.

4. Criminal Application No.1381 of 2018 is filed for quashing and setting aside the FIR bearing C.R. No.I 309 of 2018 registered with Arnala Police Station, District-Palghar for an offence punishable under Sections 392, 323, 504, 506 read with 34 of the Indian Penal Code.

5. The FIRs referred herein above are cross FIRs revolving around the same incident.

Pending investigation, parties settled their dispute and have approached this Court for quashing respective subject FIR by consent.

6. The Respondent No.2-original complainant in respective FIR have filed separate affidavits dated 19.03.2019. The affidavit gives consent for quashing of FIR. The respondent No.2 in both petitions and complainants are present before us. On specific query, they have made a statement that they have gone through the petition and affidavit and understood the contents thereof. They specifically state that they have no objection to quash the

subject FIRs against the present applicants.

7. Both the respondent No.2 have placed on record xerox copy of the PAN/Aadhar Card in support of their identity.

8. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

9. 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. Hence, we quash and set-aside the FIR bearing C.R. No.I 310 of 2018 and I 309 of 2018 registered with Arnala Police Station, District-Palghar.

10. Accordingly, the subject FIRs are quashed and applications are allowed in terms of prayer clause (a) subject to following:

(i) The applicant in each petition shall pay an amount of Rs.25,000/- in each of the application by way of costs to Tata Memorial Hospital within the period of four weeks from today and place the receipt of the same on record.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]