

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1441 OF 2022**

Darshan Bhupendra VoraPetitioner
Versus
The State of Maharashtra and ors.Respondents

Mr. Rahul Moghe, Advocate for the Petitioner.
Mr. K. V. Saste, APP for the State.
Ms. Kalyani Rathod, Advocate for Respondent Nos.2 and 3.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 6th MAY, 2022.

P.C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petitioner has approached this Court for seeking quashment of FIR No.– 35 of 2022 registered on 4th February, 2022 with Kherwadi Police Station, Bandra, at the instance of respondent No.2 against the petitioner for the offences punishable under Sections 279 and 338 of the Indian Penal Code, 1860. In the instant incident, respondent No.3 is the victim.
3. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have

approached this Court for quashing the subject FIR by consent. The petitioner, respondent No.2-first informant and respondent No.3-victim have filed consent terms dated 14th March, 2022. A copy of the same is placed on record at Exhibit "B" to the petition. In view of the said consent terms, the respondent Nos.2 and 3 have jointly and severally agreed to withdraw all the allegations, contentions and claims in respect of the subject FIR. Upon quashment of the FIR by this Court, the petitioner herein has agreed to pay an amount of Rs.90,000/- by way of Demand Draft to the respondent No.3-victim towards hospitalization. The respondent Nos.2 and 3 have also filed separate affidavits both dated 5th April, 2022. In paragraph 3 thereof, respondent No.2-first informant has given his no objection for quashing the subject FIR and in paragraph No.4, respondent No.3-victim has given his no objection for quashing the subject FIR. The petitioner, respondent No.2 and respondent No.3 all are personally present before the Court. The parties agree to abide by the consent terms. On being questioned, respondent Nos.2 and 3 specifically stated that they have gone through the petition, consent terms and their respective affidavits and have fully understood the contents thereof. They further confirmed that they are giving no objection for quashing the subject FIR out of their own free will and without there being any undue pressure, influence or coercion.

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 offences 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 **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the subject FIR pending except burdening the Criminal Courts which are already overburdened. Therefore, we are of the opinion that the petition is required to be allowed.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) which reads thus :

“(a) This Hon’ble Court may be pleased to quash the FIR bearing No.35 of 2022, dated 04.02.2022, registered u/s.279 and 338 of IPC against the Petitioner, by Kherwadi Police Station, Bandra, Mumbai, on the complaint of Respondent No.2, Mr.Jayesh Ramesh Bane.”

The writ petition is accordingly disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)