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

CRIMINAL APPLICATION NO. 1052 OF 2021

Maganlal Purushottam Chudasama
and Others

...Applicants

Versus

The State of Maharashtra & Ors

...Respondents

- Mr. Anup Lahoti for the Applicants.
- Mr. Jaipal V. Tare Patil for Respondent No. 2.
- Ms. M.H. Mhatre, APP, for the Respondent – State.

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

DATE : APRIL 22, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. The present Application is filed in this Court seeking quashment of the FIR bearing CR No. 216 of 2015 registered with L.T. Marg Police Station, Mumbai for the offences punishable under Sections 420 read with 34 of Indian Penal Code and further proceedings arising out of the said FIR bearing Case No. 327/PW/2016 and Case No. 626/PW/2017 pending before the Metropolitan Magistrate, 28th Court, Esplanade, Mumbai.

3. Pending trial, parties have settled their dispute amicably and approached this Court for quashing proceedings by consent. The Respondent Nos. 2 to 5 have filed their respective affidavits and stated that they have given no objection to quash the subject proceedings.

4. Respondent Nos. 2 to 4 are personally present before the Court. On a specific query made by this Court to Respondents, Respondents submitted that they have made the said affidavits on their own will, without there being any pressure, coercion or undue influence.

5. 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 FIR alive, except burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of FIR in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to

quash the subject FIR in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

6. Accordingly, Criminal Application is allowed in terms of prayer clause 'b'.

7. As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, however, we also find it would be appropriate to saddle the Applicants with the cost of Rs. 10,000/- each which shall be paid to **"Tata Memorial Hospital"** an institution that takes care of the advanced and terminally ill cancer patients.

8. 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 shall be treated as *non-est*.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)