

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3993 OF 2024**

Rajkumar Bechanram Gupta & Ors.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

Mr. Sohail Ahmed i/b. Mr. Rajendra Rathod for the Petitioners.

Mr. A.A. Pallkar, APP for Respondent No.1 – State.

Mr. Sandeep Gurav for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
PRAVIN S. PATIL, JJ.**

DATE : 27th JANUARY, 2025

P.C. :-

1. Out of the three accused in the FIR No.0054 of 2024, registered on 12th January, 2024 with the Ghatkopar Police Station, Brihan Mumbai City, one accused, viz., Bechanram Gupta, has passed away. Accused Nos.3 and 4 are before us. They submit that Accused No.1, Mukul A. Acharya, will also be added as a Co-Petitioner. Leave granted. Addition be carried out forthwith.

2. We have heard the learned Advocates for the respective sides, who have approached this Court for quashing of the FIR, by consent.

3. Photostat copy of the consent terms dated 2nd September, 2024 is placed on record at page nos.27 to 30. Photostat copy of the no objection affidavit dated 2nd September, 2024 is also placed on record at page nos.32 to 36.

4. The learned APP vehemently submits that it is commonly noticed growing trend amongst the public at large to give a civil dispute, the colour of a criminal dispute and file an FIR. The Police machinery is pressed into service and because an FIR is registered, the commercial or civil dispute gets settled between the parties. The Court fees are not paid. This has a dual effect. Firstly, the State Exchequer is deprived of the Court fees. Secondly, the Police machinery is pressed into service and the time and energy of the Police is consumed.

5. The learned APP, therefore, submits that cost, equivalent to the maximum Court fees, considering that Rs.22 lakhs were recovered by the Complainant, should be imposed. The learned Advocate for the Complainant submits, on instructions from the Complainant, who is present in the Court hall, that he is willing to donate an amount of Rs.50,000/- to the Central Police Welfare Fund.

6. Considering the above and keeping in view the law laid down by the Hon'ble Supreme Court in the case of ***Narinder Singh & Ors. v/s. State of Punjab and Anr.***¹, this Petition is allowed in terms of prayer clause (a), which reads as under :

(a) That this Hon'ble Court be pleased to quash FIR bearing No.0054 of 2024 dated 12.01.2024 registered with Ghatkopar Police Station under Section 420, 465, 467, 468 r/w 34 of IPC on any terms and condition as this Hon'ble Court deem fit and proper.

7. On or before 7th February, 2025, Respondent No.2 would donate an amount of Rs.50,000/- to the Central Police Welfare Fund, details of which are mentioned hereinunder :

Name : Central Police Welfare Fund
Account No.: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai – 400 025
IFSC Code : UTIB0000060

8. List this disposed off Petition for recording compliance on 14th February, 2025.

(PRAVIN S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)

¹ (2014) 6 SCC 466