

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.189 OF 2015

Smt. Rupeshree Tukaram Rahatwal

..Applicant

Versus

1. The State of Maharashtra

2. Mr. Samir Kishorchandra Parekh

..Respondents

Mr. Ravindra M. Sawant, advocate for the applicant.

Mrs. S. V. Sonavane, APP for the State.

Smt. S. R. Sawant, advocate for respondent No.2.

**Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.**

Date : 25th AUGUST, 2015.

P. C. :

Heard learned counsel and learned APP appearing for
the respective parties.

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case No.1997/PW/2013 pending on the file of learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai. The said case arises out of registration of FIR bearing CR No.86 of 2011 with Powai Police Station for the offences

punishable under Sections 408, 420, 465, 467, 468, 471, 477, 478 read with Section 120(B) of the Indian Penal Code, 1860. The said CR was registered against the petitioner and another accused by name - Yogesh Vivekanand Desai. The FIR against Yogesh Vivekanand Desai is already quashed by consent of the parties by an order dated 14th October, 2014, passed in criminal application No.841 of 2014.

3. Pending trial of the said criminal case, respondent No.2 settled the dispute with the present applicant, and in pursuance of an understanding arrived at between them, the present applicant is filed for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 25th August, 2015. In paragraph 6, he has given his no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the subject criminal case are quashed and set-aside. He also stated that he is giving no objection

for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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. In that view of the matter and in the interests of justice, the subject criminal proceedings are required to be quashed and set-aside. 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/- by the applicant to the **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The

applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal application stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]