

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1052 OF 2015

Mr. Amit Shahsi Shastri	..Petitioner
Versus	
1.The State of Maharashtra	
2. Kumari Jennifer Kirankumar Micheal	..Respondents

Mr. Sandeep Velkar, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Anil D'Souza, advocate for respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 4th SEPTEMBER, 2015.

P. C. :

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

2. The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of C.C. No.344/PS/2014 pending on the file of learned Additional Chief Metropolitan Magistrate, 16th Court at Ballard Pier. The said case arises out of registration of FIR bearing C.R. No.209 of 2013 with M.R.A. Police Station, at the instance of respondent No.2, for the offence punishable under Section 354D of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. The petitioner is personally present before the Court. He submitted that he did not intend to cause any harm or inconvenience to respondent No.2. He has also assured that the acts as alleged in the FIR would not be repeated. He has given an undertaking that he will not communicate in any mode with respondent No.2. The petitioner tenders an unconditional apology to respondent No.2 for his behaviour.

4. Respondent No.2 is personally present before the Court. In the light of the above and especially in view of the undertaking given by the petitioner, she submitted that she has no objection, if the FIR and the proceedings arising therefrom are quashed and set-aside.

5. The petitioner and respondent No.2, both are lawyers practicing in the Court. We are, therefore, of the considered view that the quashing of the proceedings of the subject criminal case would be in the interests of both the parties in order to maintain cordial relationship. 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. 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.

6. Accordingly, the proceeding of C.C. No.344/PS/2014 pending on the file of learned Additional Chief Metropolitan Magistrate, 16th Court at Ballard Pier so also the FIR bearing C.R. No.209 of 2013 are quashed and set-aside subject to payment of costs of Rs.5000/-, or in the alternative, donating books worth Rs.5000/- to the **“Kirtikar Law Library”** by the petitioner. The petitioner shall produce the receipt in respect of the costs/donation thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal writ petition stands disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]