

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1333 OF 2015

Viral Hasmukhray Ajmera and others ..Petitioners.

Versus

The State of Maharashtra and another ..Respondents.

Mr.M.G.Shukla, Advocate for the Petitioners.

Mr.Arvind Ramprasad Mehra- Respondent No. 2 in-person present.

Mr.J.P.Yagnik, APP for Respondent No.1 – State.

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

Date : 21st SEPTEMBER 2015.

P. C. :

. Not on Board. Mentioned for urgent production. Production granted in view of urgency.

2. Heard Mr.M.G.Shukla, learned Counsel for petitioners, Mr.Arvind Ramprasad Mehra- respondent No.2 who appears in-person and Mr.J.P.Yagnik, learned APP for State.

3. This Petition is filed under Article 227 of the Constitution of India read with provisions of Section 482 of Code of Criminal Procedure, 1973 to quash and set aside the proceedings of criminal case No. 126/PW/2006 pending before the learned Additional Chief Metropolitan Magistrate, 47th Court at Esplanade, Mumbai (now

transferred to the learned Additional Chief Metropolitan Magistrate, 28th Court at Esplanade, Mumbai). The said case arises out of registration of F.I.R. being M.E.C.R. No. 9 of 2004 with L.T.Marg police station, Mumbai at the instance of respondent No.2 for the offences punishable under Sections 409, 465, 467, 474, 477(A) read with Section 34 of the Indian Penal Code, 1860.

4. Pending the trial, the parties to the Writ Petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant Writ Petition for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed affidavit. In paragraph 3 of the affidavit, he has stated that dispute between the parties has been amicably settled and accordingly consent terms are executed on 23/12/2008. The copy of the consent terms is annexed to the Petition. In paragraph 5, he has made a statement that he does not wish to contest the subject criminal case. He has also stated that he has no grievance if the subject proceedings of the criminal case are quashed and set aside. Respondent No.2 is personally present before the Court. He confirmed the correctness of the consent terms. He also states that he has no objection to quash the proceedings of the subject criminal case.

5. 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. 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 20651]***, 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 the Writ Petition is allowed in terms of prayer clauses (a) & (b) subject to payment of costs of Rs.20,000/- by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the Writ Petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the Writ Petition is disposed of.

8. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgement/Order.**