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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1694 OF 2015

1.Mr. Aditya R. Parikh	
2.Mr. Mehul M. Parikh	
3.Rajendra G. Parikh	Petitioners
versus	
1.State of Maharashtra	
2.Mr. Vikas Laxminarayan Sukhwal	Respondents

Mr. Prakash Naik i/b. Ms. Sabeena Mahadik, advocates for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Mr. Pankaj Utlaradhi i/b. S. R. Legal, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 20th JULY, 2015.

P.C.:

The petition is filed under Article 226 of the Constitution of India for quashing and setting-aside the proceedings of C.C.No.55/PS/2007 pending on the file of learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai. The said case arises out of FIR No.408 of 2006 registered with MRA Marg Police Station, at the instance of respondent No.2, for offences punishable under Sections 353 read with Section 34 of the Indian Penal Code, 1860.

2. Pending trial, the parties have settled their dispute amicably and have approached this Court for quashing the proceedings of the

subject criminal case by consent. Respondent No.2 as well as Mr. Rohit Dubey- aggrieved public servant have filed their respective affidavits dated 15th July, 2015. In last paragraph of their respective affidavits, they have given consent to quash the proceedings of the subject criminal case. Respondent No.2 as well as Mr. Rohit Dubey - aggrieved public servant are personally present before the Court. On being questioned, they specifically stated that whatever has been stated in their respective affidavits is true and correct and they have no objection for quashing the proceedings of the subject criminal case.

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 criminal proceedings are required to be quashed. 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.

4. Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10000/- by the petitioners. The

petitioners shall deposit the costs with "Tata Memorial Hospital, Mumbai" and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)