

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1767 OF 2014

Ravi Somani and Ors.

..Petitioners.

Versus

State of Maharashtra & Anr.

..Respondents.

Mr. Vijay Hiremath, advocate for petitioners.

Mr. Shailesh Shukla i/by J. Sagar Associates, advocate for respondent no.2.

Mr. S.K.Shinde PP with Mr. K.V.Saste, APP for the State.

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

Date : 29th September, 2015.

P. C. :

The learned counsel for the petitioners, at the outset, seeks leave to amend prayer clause (a) so as to give particulars of the criminal case. Leave granted. Necessary amendment shall be carried out forthwith.

2 Heard.

3 This writ 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 to quash and set aside Criminal Case No.114/PW/2015 pending on the file of 47th Court, Esplanade, Bombay.

4 The said case arises out of the registration of the F.I.R. bearing C.R.No.5 of 2014 registered with the Economic Offences Wing, Mumbai which was initially registered as C.R.No.6 of 2014 with the N.M.Joshi Marg Police Station at the instance of respondent no.2 for the offences punishable under Sections 420, 506, 120(B) of the Indian Penal Code, 1860.

5 Pending trial, parties settled their dispute amicably and have approached this Court for quashing the subject criminal case by consent. Respondent no.2 has filed affidavit dated 9.9.2015. In paragraph 4, he has given no objection to quash and set aside the subject criminal case. Respondent no.2 is personally present in 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 subject criminal case is quashed and set-aside. He also stated that he is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

6 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 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.

7 Accordingly, the writ petition is allowed in terms of prayer clause (A) subject to payment of costs of Rs.25000/- by the petitioners to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.