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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 569 OF 2015

Himmat Singh Bajran Singh RathodApplicant

versus

1.The State of Maharashtra

2. Mr. Dinesh Kumar Rameshwarlal YadavRespondents

Mr. Raghuvir Shekhawat i/b. Raj Legal, advocate for the applicant.

Mrs. U. V. Kejriwal, APP for the State.

Mr. Pawan Modi i/b. Mr. Ganesh Bhujbal, advocate for respondent No.2.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATED : 29th JUNE, 2015.

P.C.:

Mr. Shekhawat, learned counsel for the applicant, at the outset, seeks leave to amend the prayer so as to give particulars of criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. This application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of R.C.C.No.462 of 2009 pending on the file of JMFC, Ulhasnagar. The said case arises out of FIR No.I-223 of 2008 registered with Ulhasnagar Police Station, at the instance of respondent No.2, for offences punishable under Sections 454, 457 and 380 of the Indian Penal Code, 1860.

3. 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 has filed an affidavit dated 29th June, 2015. He has given consent for quashing the subject FIR. In paragraph 3, he has stated that he has no grievances against the applicant and he is desirous of withdrawing the charges against him and has requested to quash the subject FIR. Respondent No.2 is present before the Court. On being questioned, he specifically stated that whatever has been stated in the affidavit is true and correct and he has no objection for quashing the proceedings of the subject criminal case.

4. 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by the applicant. The applicant shall deposit the costs with Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.
6. Subject to above, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)