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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 587 OF 2015

Mr. Yashin Ambrish MahadeviaApplicant
versus
1.The State of Maharashtra
2. Nirav Dinesh DamaniaRespondents

Mr. Pranay Mangharam i/b. MZD Legal Consultancy, advocate for the applicant.
Mr. K. V. Saste, APP for the State.
Mr. Jayprakash Sawant, advocate for respondent No.2.

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

DATED : 3rd JULY, 2015.

P.C.:

Heard Mr. Mangharam, learned counsel for the applicant, Mr. Saste, learned APP for the State and Mr. Sawant, learned counsel for respondent No.2.

2. The criminal application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of C.R. No.122 of 2014 registered with L.T.Marg Police Station. The said FIR is registered, at the instance of respondent No.2, against the present applicant-Yashin Mahadevia and three other persons viz. Alpesh Patel, Devdutt Vayti and Dhaval Patel, for the offences punishable under Section 420 read with Section 34 of the

Indian Penal Code, 1860. The instant application is filed for quashing the proceedings of the said C.R. qua the applicant by consent in view of the settlement arrived at between the parties. Respondent No.2 has filed an affidavit dated 29th June, 2015. He has given consent for quashing the proceedings of the subject C.R qua the applicant. In paragraph 2, he has stated that the applicant has paid him the amount of Rs.5,06,000/- by cheque and, hence, he wants to withdraw the complaint as against him. 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 qua the applicant.

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 qua the applicant. 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 application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25,000/- by the applicant to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The applicant shall pay the said cost and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

5. Subject to above, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)