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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 590 OF 2015

Deepak Sevanthilal Javeri

....Applicant
(Original Accused)

versus

1. Hemant Kumar Surendra Jain

2. State of Maharashtra

....Respondents

Mr. S. V. Marwadi along with Mr. G. C. Mohanty i/b. Mohanty and Associates, advocates for the applicant.

Mr. Manish Bohra, advocate for respondent No.1.

Mr. J. P. Yagnik, APP for the State.

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

DATED : 3rd JULY, 2015.

P.C.:

Heard Mr. Marwadi, learned counsel for the applicant, Mr. Bohra, learned counsel for respondent No.1 and Mr. Yagnik, learned APP for the State.

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 criminal case No.1800235/P/2002 pending on the file of learned Metropolitan Magistrate, 18th Court, Girgaum, Mumbai. The said proceedings arise out of registration of FIR bearing C.R. No.288 of 2001 with D.B. Marg Police Station against the applicant, at the instance of respondent No.1 for the offences punishable under Sections

387, 420, 452, 506(II) read with Section 34 of the Indian Penal Code, 1860.

3. During the pendency of the trial of the said proceedings, the parties settled their dispute amicably and have approached this Court for quashing the proceedings of the said case by consent. The applicant and respondent No.1 have filed settlement terms arrived at between them. Respondent No.1 has also filed an affidavit affirmed on 30th June, 2015. In paragraph 7, he has given no objection for quashing and setting-aside the proceedings of the said criminal case. Respondent No.1 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.

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 application is allowed in terms of prayer clause (a) subject to payment of Rs.30,000/- by the applicant to Tata Memorial Hospital towards costs and produce receipts thereof on the file of this application within a period of two weeks from today, failing which, the application shall automatically stand dismissed without further reference to the Court.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)