

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2467 OF 2015

Jagannath Balkrishna Kadam & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Rahul Arote, Advocate for the petitioners
Mrs. M. M. Deshmukh, APP for the State
Mr. P. S. Gautam, Advocate for R. No. 2.

**CORAM:-RANJIT MORE &
V. L. ACHLIYA, JJ.
DATED : -27/08/2015**

P. C.:

Heard.

2 The writ petition is filed under Article 226 of Constitution of India to quash and set aside the FIR bearing MECR No. 5 of 2014 registered with Mulund Police Station, at the instance of respondent No. 2, for offences punishable u/s 323, 406, 471, 465, 420, 506(2) r/w 34 of the Indian Penal Code. Pending investigation parties have settled their disputes amicably. Respondent No. 2 original complainant accordingly gave a letter dated 15/4/2015 to

the Senior Inspector of Police stating that he does not want to proceed against the petitioners as the matter between them is amicably settled.

3 Respondent No. 2 has also filed an affidavit dated 20/4/2015 in this proceedings. In para 4 he has stated that he has no grievance against the petitioners and he does not wish to pursue the criminal proceedings arising out of MECR No. 5 of 2014 registered with Mulund Police Station.

4 Respondent No. 2 is personally present in this Court. On specific query he confirmed the contents of the said affidavit. He also states that he has no objection to quash the subject proceedings against the petitioners.

5 It can thus be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear 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 and Ors. vs. State of Punjab & Anr., 2014 AIR (SCW) 2065**, we are of the view 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.

6 The petition is, accordingly, allowed in terms of prayer clause (b) subject to payment of costs of Rs.5,000/- by the petitioners. The petitioners shall deposit the cost with Tata Memorial Cancer Hospital, Mumbai, for use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

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

(V. L. ACHLIYA, J.)

(RANJIT MORE, J.)

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