

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2424 OF 2014

Mr. Vijay Patel

..Petitioner

Versus

1. Mr. Samir H. Doshi
2. The State of Maharashtra
3. Mr. Alpesh Khara
4. Mr. Kamlesh Patel
5. Mr. Shashikumar Pandey

..Respondents

Mr. Hussien Bengali along with Agasti Vibhute i/b. M/s. Jayakar and Partners, advocates for the petitioner.

Ms. Sonali Aggarwal i/b. Junnarkar and Associates, advocate for respondent No.1.

Mrs. M. M. Deshmukh, APP for the State.

Mr. Kaushal Parsekar i/b. Jay Legal Consultants, advocates for respondent No.3.

**Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.**

Date : 25th AUGUST, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing MECR No.3 of 2010 registered with D.B. Marg Police

Station, Mumbai, at the instance of respondent No.1, for the offences punishable under Sections 467, 468, 474, 477(A), 420 and 120(B) of the Indian Penal Code, 1860. The said MECR is registered against the petitioner and respondent Nos. 3, 4 and 5.

2. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject MECR by consent. Respondent No.1 has filed an affidavit dated 24th August, 2015. In paragraph, 2 he has given no objection for quashing the subject MECR against the petitioner and respondent Nos. 3, 4 and 5. Respondent No.1 is personally present before 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 MECR is quashed and set-aside. He also stated that he is giving no objection for quashing the said MECR out of free will and without there being any pressure or coercion.

4. 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.

5. Accordingly, the the writ petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.1,00, 000/- by the petitioner and respondent Nos. 3, 4 and 5 to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner and respondent Nos. 3, 4 and 5 shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]