

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2629 OF 2015

Shri Ravindra Madhukar Athavale and another ..Petitioners.

Versus

1. Sharada Sahakari Bank Ltd. Pune
2. State of Maharashtra ..Respondents.

Mr.A.P.Kulkarni, Advocate for the Petitioners.
Mr.Manoj M.Badgujar, Advocate for Respondent No.1.
Ms.M.H.Mhatre, APP for Respondent No.2- State.

**Coram : RANJIT MORE &
R.G.KETKAR, JJ.**

Date : 03rd SEPTEMBER 2015.

P. C. :

. At the outset, Mr.Kulkarni seeks leave to amend the prayer clauses so as to give correct number of criminal proceedings. Leave as prayed for is granted. The necessary amendment shall carried out forthwith.

2. This Petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of R.C.C. No. 2220 of 2014 pending on the file of the learned J.M.F.C. No. 8 Pune. The said case arises out of registration of F.I.R. being C.R.No. 94 of 2014 with the Dattawardhi Police Station, Pune at the instance of

respondent No.1 for the offences punishable under Sections 409, 465, 467, 468, 471, 427 read with 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the Writ Petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant Writ Petition for quashing the proceedings of the subject criminal case by consent. Mr. Manoj M. Badgujar, the Counsel for respondent No.1 placed on record resolution dated 28/08/2015 passed by the Board of Directors of respondent No.1. By the said resolution, one Milind Anant Paranjpe, working as a Senior Clerk, has been authorised to file affidavit in this Petition as well as give no objection for quashing the subject criminal case. Respondent No.1, in pursuance of this authorisation, has filed affidavit dated 29/08/2015. In paragraph 2 of the affidavit, it is stated that petitioners have repaid entire loan amount along with interest accrued thereon to the satisfaction of the Bank. In paragraph 4, respondent No.1 granted no objection to quash the proceedings of subject criminal case. The said Milind Anant Paranjpe is personally present before the Court and he confirmed the contents of the affidavit. He also states that he has no objection to quash the proceedings of subject criminal case.

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 20651]***, 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 Writ Petition is allowed in terms of (a) subject to costs of Rs.5,000/- to be paid to the Kirtikar Law Library or in the alternate, subject to petitioners donation of Law Books worth Rs.5,000/- to the Kirtikar Law Library. The petitioners shall thereafter 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 criminal Writ Petition stands disposed of.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]