

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2997 OF 2015

Nimesh Uttambhai Desai & Ors. .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondent

Mr. D. D. Singh, Advocate for the petitioners
Mrs. M. M. Deshmukh, APP for the State
Mr. D. H. Shukla, Advocate for R. Nos. 2 to 5.

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

P. C.:

Heard.

2 The petition is filed for quashing and setting aside the proceedings of the C.C. No. 2401819/PW/2013 pending on the file of 24th Metropolitan Magistrate, 24th Court at Borivali, Mumbai. The said case arises out of registration of FIR bearing No. 466/2012 with Malad Police Station, Mumbai, at the instance of respondent No. 6 for offences punishable u/s 448, 454, 380, 427, 295 r/w 34 of the Indian Penal Code. Respondent No. 6 filed the said FIR on

behalf of respondent No. 2. Respondents No. 3, 4 and 5 are the trustees of respondent No. 2. Pending trial parties have settled their disputes amicably and hence, they have approached this Court to quash the proceedings of the said criminal case by consent.

3 Respondents No. 3, 4 and 5 have filed affidavit dated 9th of August, 2015. In para 3 they have given no objection to quash the subject proceedings. Along with the affidavit they have annexed a Resolution of respondent No. 2 authorizing respondents No. 3, 4 and 5 to settle the dispute.

4 Respondent No. 6 has also filed a separate affidavit dated 20th of August, 2015. He has also given no objection in para 3 of the affidavit, to quash the proceedings of the subject criminal case. Respondents No. 3,4,5 and 6 are personally present in this Court. On specific query they have confirmed the contents of the said affidavit and stated that they have no objection to quash the subject proceedings.

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 (a) subject to payment of costs of Rs.10,000/- 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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