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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3198 OF 2015

Mr. Sevalal Vishwakarma	Petitioner
versus	
1. Mrs.Anjali Anand Thakur	
2. The State of Maharashtra	Respondents

Mr. A. R. Pandey, advocate for the petitioner.
Mr. N. P. Bhavsar, advocate for respondent No.1.
Mrs. M. M. Deshmukh, APP for the State.

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

DATED : 12th AUGUST, 2015.

P.C.:

Heard learned counsel for the petitioner, respondent No.1-in-person and learned APP for the State.

2. The complainant/first informant himself has approached this Court for quashing and setting-aside the MECR No.8 of 2013 registered with Oshiwara Police Station against respondent No.1 for the offences punishable under Sections 120B, 406, 420, 448, 465, 466, 468, 474 and 506 of the Indian Penal Code, 1860. The said MECR was registered in pursuance of order under Section 156(3) of the Code of Criminal Procedure, 1973, passed by learned Magistrate in criminal case No.59/SW/2013.

3. Learned counsel for the petitioner submitted that pending investigation of the said MECR, the parties settled their dispute amicably and have arrived at consent terms in L.D. Suit No.5 of 2012 pending on the file of Small Causes Court at Bombay, Bandra Branch. In terms of those consent terms, the present petition is filed for quashing the aforesaid MECR. The petitioner is personally present before the Court. On being questioned, he specifically stated that he has been explained the contents of the said petition in vernacular language and has fully understood the same and he has no objection if the subject MECR is quashed against respondent No.1 as well as another accused – Anu Gowda.

4. 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 proceedings of the subject MECR and criminal case are required to be quashed and set-aside. 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, MECR No.8 of 2013 registered with Oshiwara Police Station and criminal case No.59/SW/2013 pending before the 65th Metropolitan Magistrate Court, Andheri, Mumbai against the petitioner as well as another accused -Anu Gowda are quashed and set-aside subject to payment of cost of Rs.10,000/- by respondent No.1 to the **“Tata Memorial Hospital”**. The respondent No.1 shall pay the said cost and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)