

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3338 OF 2015

1. Mr. Ramchandra Sambhaji Dolas
2. Smt. Pushpa Ramchandra Dolas
3. Mr. Nitin Uttam Bhosale ..Petitioners
Versus
1. The State of Maharashtra
2. Mr. Brahmanand Rambharoselal Agrawal ..Respondents

Mr. Sumedh R. Kale, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.
Ms. Krupali H. Rajani, advocate for respondent No.2.

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

Date : 25th AUGUST, 2015.

P. C. :

Heard learned counsel and learned APP for the respective parties.

2. Learned counsel for the petitioners, at the outset, seeks leave to amend the prayer clause of the petition so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

3. The petition is filed under Article 226 of the Constitution of India for quashing and setting-aside C.C.No.358 of 2011 pending on the file of learned JMFC Thane. The said case

arises out of registration of FIR No.I-42/2011 registered with Vartak Nagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 384, 385, 178, 179, 181, 182 read with Section 34 of the Indian Penal Code, 1860.

4. However, after completion of investigation, charge-sheet is filed under Section 385 of the Indian Penal Code, 1860, which is numbered as I 83/2011. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, have filed the instant petition for quashing the subject criminal case and FIR by consent. Respondent No.2 has filed an affidavit dated 13th August, 2015. In paragraph 3, he has stated that he has no objection for quashing the subject FIR and criminal case. Respondent No.2 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 FIR and criminal case are quashed and set-aside. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. 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.

4. Accordingly, the writ petition is allowed in terms of prayer clause (B) subject to payment of cost of Rs.10,000/- by the petitioners to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioners 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.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]