

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3446 OF 2015

Shri Babanna Yallapa Kadar & Ors.

..Petitioners.

Versus

The State of Maharashtra & Ors.

..Respondents.

Mr. S.B.Thorat, advocate for petitioners.

Mr. A.D.Sale, advocate for respondent no.2.

Mrs. U.V.Kejriwal, APP for the State.

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

Date : **2nd September, 2015.**

P. C. :

Heard.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the F.I.R. bearing C.R.No.134 of 2005 registered with Shahu Nagar Police Station, Mumbai and consequential Criminal Case No.499/PW/2007 pending before the learned 12th Metropolitan Magistrate, Bandra at the instance of respondent no.3 against the petitioners for the

offences punishable under Sections 452, 323, 324, 143, 144, 147 and 149 of the Indian Penal Code, 1860 by consent.

3 Pending trial, parties have settled their disputes amicably and in pursuance of understanding arrived at between them have approached this Court for quashing and setting aside the subject F.I.R and consequential criminal proceedings.

4 Respondent no.3 has filed affidavit affirmed on 2.9.2015. In paragraph 6 of it, he has given consent to quash the subject F.I.R and consequential criminal proceedings.

5 Respondent no.3 as well as his brother Rama Yallappa Kadar and other aggrieved injured persons are present in the Court . On specific query, they state that they have no objection to quash the subject F.I.R and the consequential criminal proceedings.

6 It can, thus, be seen that the matter has been amicably settled between the parties. Present complaint is by way of cross-complaint. Petitioner as well as respondent no.3 and his family

members are relatives and neighbours and are residing in the same vicinity. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In our view, quashing would be in the interest of parties to maintain cordial relationship between them. 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.

7 Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the petitioners to the "**Kirtikar Law Library**". The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

[R.G.KETKAR, J.]

[RANJIT MORE, J.]