

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3471 OF 2015

Vishmberlal Karamchand Khatri & Ors. ..Petitioners.

Versus

State of Maharashtra & Anr. ..Respondents.

Mr. Girish Kulkarni i/by Mr.M.D.Pareek, advocates for petitioners.
Mr. L.P.Kanal, advocate for respondent no.2.
Mr. J.P.Yagnik, APP for the State.

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

Date : 29th September, 2015.

P. C. :

Heard learned counsel appearing for the respective parties.

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, 1976 to quash and set aside the proceedings of the Criminal Case No.1527/PW/2005 pending on the file of learned Metropolitan Magistrate 11th Court at Kurla.

3 The said case arises out of registration of the F.I.R. bearing C.R.No.3/2004 with Chembur police station of one Mr. Vasudev Waleecha at the instance of respondent no.2 for the offences punishable under Section 465, 468, 471, 420 read with Section 34 of the Indian Penal Code, 1860.

4 Pending trial, parties settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. Since original informant Mr. Vasudev Valecha is expired, respondent no.2 by passing resolution authorised one Mr. Dinesh Valecha, director of the company to sign affidavit in the present proceedings. Copy of the resolution is annexed at Ex.'B'. In pursuance of the authority given under this resolution, Mr. Dinesh Valecha director of respondent no.2 has filed affidavit dated 6.7.2015. Copy of which is annexed at Page 61. In paragraph 4, he has stated that dispute between the parties is amicably settled and, therefore, respondent no.2 does not wish to proceed with the matter. In paragraph 5, he has given no objection to quash the proceedings of the subject criminal case. Mr. Dinesh Valecha is present in the Court. On specific query, he confirms the contents of the said affidavit. He also states that dispute between the parties is amicably settled and he has no objection to quash the proceedings of the subject criminal case.

5 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.

6 Accordingly, the writ petition is allowed in terms of prayer clause (c) subject to payment of costs of Rs.10000/- by the petitioners to the **“Kirtikar Law Librarary”**. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

Parties to act on an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.