

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI. APPLICATION NO. 943 OF 2015**

Mangesh Raghunath Latpate

Applicant.

Vs

1. The State of Maharashtra ;
2. Santosh Murlidhar Thite

.. Respondents

Mr. Balwant Salunkhe i/b Subhash Hulyalkar, Advocate for Applicant.

Mrs. M.M.Deshmukh , A.P.P. for Respondent no.1-State.

Ms S.V.Padiyara, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 06TH OCTOBER, 2015.**

PC:

1. Leave to amend granted. Amendment shall be carried out forthwith.

2. Heard learned counsel and learned A.P.P. appearing for the respective parties.

3. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of the Criminal Case No.774/PW/2011 pending on the file of 49th Metropolitan Magistrate's Court, Vikhroli. The said case arises out of registration of F.I.R. bearing C.R.No.102/2011 with Ghatkopar Police Station at the instance of respondent no.2 against four persons including the applicant for the offence punishable under Sections 324, 323, read with Section 34 of the Indian Penal Code, 1860.

4. Pending trial, parties have settled their disputes amicably and in pursuance of understanding arrived at between them,

they have approached this Court for quashing the proceedings of subject criminal case, by consent. Respondent no.2 has filed affidavit dated 21.9.2015. In paragraph 7, he has given no objection to quash proceedings of the subject criminal case against the applicant. Respondent no.2 is personally present in the Court. On specific query, he has stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject criminal case is quashed and set-aside against the applicant.

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 application is allowed in terms of prayer clause (a), qua the applicant, subject to payment of costs of Rs.5,000/- by the applicant. The applicant shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes

and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal Application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal application stands disposed of. Parties and all concerned 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 order.