

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3738 OF 2015**

Mr. Kunal Suresh Avaghade

Petitioner.

Vs

1.Kum.Prunna Babanrao
Bansode;
2. State of Maharashtra.

Respondents

Mr.Prakash Naik, Advocate for Petitioner.
Mr.Pawan Mali, Advocate for Respondent no.1.
Mrs. M.H.Mhatre, A.P.P. for Respondent no.2-State.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 30TH SEPTEMBER, 2015.**

PC:

Not on Board. Mentioned for urgent production. Production granted in view of urgency.

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

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of criminal case, being R.C.C.No.535/2014 pending on the file of learned 2nd J.M.F.C., Ulhasnagar. The said case arises out of FIR, bearing C.R.No. I-49 of 2013 registered with Badlapur (W) Police Station, at the instance of respondent No.1, for the offences punishable under Section 354(D) read with Section 67 of the Information technology Act.

3. Pending trial, the parties settled their dispute amicably and

pursuant to understanding arrived at between them, have approached this Court for quashing the proceedings of subject criminal case by consent. Respondent no.1 has filed an affidavit dated 30.9.2015. In paragraph 3, she has given no objection for quashing the proceedings of the subject criminal case against the petitioner. Respondent no.1 who is personally present in the Court, confirms the contents of the affidavit and stated that whatever has been stated in the affidavit is true and correct, and on our specific query she states that she has no objection if the proceedings of the subject criminal case are quashed against the petitioner.

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 subject criminal proceedings is 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, Criminal Writ Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioner. Criminal proceedings, being R.C.C. No.535/2014 pending on the file of learned 2nd J.M.F.C., Ulhasnagar, arising out of C.R.No.I-49 of 2014,are quashed and set-aside. The petitioner shall deposit the costs of Rs.10,000/- with Tata Memorial Hospital for the use of its philanthropic purposes 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 petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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