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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3873 OF 2015

Mr. Shrikant Bhagwandas Inje

..Petitioner.

V/s.

The State of Maharashtra and anr.

..Respondents

Mr.R.B. Mokashi for the petitioner.

Mrs. M.M. Deshmukh, A.P.P. For the State.

Mr. Samrat Ingale for respondent no.1.

CORAM : RANJIT MORE AND

V.L.ACHLIYA, JJ.

DATED : 15th DECEMBER,2015

P.C. :-

Heard learned counsel for the petitioner, respondent no. 1 and learned A.P.P. for the State.

2. This petition is filed under the provisions of Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceeding of the Criminal Case No. 570 of 2015 pending on the file of learned Metropolitan Magistrate, 66th Court, Andhri, Mumbai arising out of registration of F.I.R. at Pawai Police Station for the offences under section 354 of Indian Penal Code at the instance of respondent no. 2 against the petitioner.

3. Pending investigation, the parties approached this Court for quashing the proceedings in the subject criminal case by consent since they have amicably settled their dispute. Respondent No. 2 has filed an affidavit dated 7th August, 2015. In the said affidavit she has stated that she has no objection if the subject F.I.R. is quashed. Respondent No. 2 is personally present before the Court. She is identified by his Advocate. On being questioned, respondent no. 2 specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. 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. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the criminal proceedings are

required to be quashed. 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, the application is made absolute in terms of prayer clause (b) subject to payment of cost of Rs.10,000/- is to be paid by the Petitioner to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The Petitioner shall pay the said cost and thereafter produce the receipt thereof on the file of this application 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 the above, the criminal application stands disposed of.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)