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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3890 OF 2015

Amith Agarwal

..Petitioner.

V/s.

The State of Maharashtra and anr.

..Respondents

Mr. B.B. Tiwari i/by M/s. BBT Legal for the petitioner.

Mr. K.V. Saste, A.P.P. For the State.

Mr. Siddhartha Srivastav a/w Mr. Amit Khairnar i/by M/s.D.H.L. Law Associates for respondent no. 2.

CORAM : RANJIT MORE AND

V.L.ACHLIYA, JJ.

DATED : 15th DECEMBER,2015

P.C. :-

Heard learned counsel for the petitioner 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 for quashing the proceeding of F.I.R. bearing C.R. No. 32 of 2015 registered at BKC 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 F.I.R. by consent since

they have amicably settled their dispute. Respondent No. 2 has filed an affidavit dated 15th December, 2015. In paragraph 4 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.20,000/- is to be paid by the Petitioner to Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which the 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.)