

Mr. Suresh M. Jadhav for Applicant.  
Mrs. S. V. Sonawane, APP for Respondent No.1-State.  
Mr. Q. M. Ashfaq for Respondent No.2.

**CORAM: RANJIT MORE &  
R. G. KETKAR, JJ.**

**DATE : 15<sup>th</sup> OCTOBER, 2015.**

**P.C.:**

Heard Mr. Jadhav, learned Counsel for applicant, Mrs. Sonawane, learned APP for respondent No.1-State and Mr. Ashfaq, learned Counsel for respondent No.2.

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the proceedings of Criminal Case No.50/SW/2006 pending on the file of the learned Metropolitan Magistrate, 45<sup>th</sup> Court, Kurla, Mumbai. The said proceedings arise out of FIR bearing C.R.No.2007 of 2005 registered with Deonar Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 7(1)(d) of the Protection of Civil Rights Act, 1955.

3. Pending trial, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed consent affidavit dated 08.10.2015. In paragraph 4, he has given no objection if the proceedings of the subject criminal case are quashed and set-aside. Respondent No.2, who is personally present in the Court, confirms the contents of the affidavit. On specific query, he states that he has gone through the affidavit and has understood the contents thereof.

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 are required to be quashed and set-aside.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the applicant to the Tata

Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said cost and produce receipt thereof on the file of this Court within a period of two weeks from today, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court.

**[R. G. KETKAR, J.]**

**[RANJIT MORE, J.]**

*Minal Parab*