

Mr. Q. M. Ashfaq for Applicants.
Mr. J. P. Yagnik, APP for Respondent No.1-State.
Mr. Suresh M. Jadhav for Respondent No.2.

DATE : 15th OCTOBER, 2015.

Heard Mr. Ashfaq, learned Counsel for applicants, Mr. Yagnik, learned APP for respondent No.1-State and Mr. Jadhav, learned Counsel for respondent No.2.

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Code, 1860.

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 5, 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. At this stage, it is reported that applicant No.2 is in custody in execution of non-bailable warrant. Since the proceedings of subject criminal case are quashed, applicant No.2 is directed to be released, if he is not required in any other case. Accordingly, the application is allowed in terms of prayer clauses (a) and (b) subject to payment of costs of Rs.5,000/- by the applicants 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.]

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