

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4212 OF 2015**

Mr. Rajesh Shantilal Gosar @
Rajiv Gosar

Petitioner.

Vs

1. The State of Maharashtra,
2. Jethalal Bhanushali,

Respondents

Mr. J.S.Kini i/b Mohan Shetty, Advocate for Petitioner.
Mrs. S.V.Sonavane, A.P.P. for Respondent no.1-State.
Mr. Suresh Dubey, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 26th OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P. appearing for the respective parties.
2. This 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 Case No. 575/PW/2007, pending before the learned Metropolitan Magistrate, 60th Court at Kurla, Mumbai. The said case arises out of FIR, bearing C.R.No.130 of 2006 registered with Trombay Police Station at the instance of respondent No.2, for the offences punishable under Sections 341,384, 448,506(2) of the Indian Penal Code, 1860
3. Pending trial, the parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have approached this Court for quashing the proceedings of subject criminal case by consent. Respondent

no.2 has filed an affidavit dated 14.10.2015. In paragraph 3, he has given no objection for quashing the proceedings of the subject criminal case against the petitioner. Respondent no.2 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 he states that he 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 are 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. Proceedings of the Case No. 575/PW/2007 arising

out of CR No.130 of 2006 pending before the Metropolitan Magistrate, 60th Court at Kurla, Mumbai are quashed and set aside.

6. The petitioner shall deposit the costs of Rs.10,000/- with Tata Memorial Hospital for the use of its philanthropic purposes and thereafter produce 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.

7. Subject to above, the Petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)