

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4249 OF 2015

1. Mahesh @ Manish Bhupat Oza

2. Bhupat Babaulalji Oza

..Petitioners

Versus

1. The State of Maharashtra

2. Mr. Avinash Parshuram Jagtap

..Respondents

Mr. Rakesh Kumar with Manoj Singh and Mr.Puneet Shukla i/b. MKS Legal Associates, advocates for the petitioners.

Mr. P. H. Padave, advocate for respondent No.2.

Mrs. M. M. Deshmukh, APP for the State.

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

DATE : 29th OCTOBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C. No.133/PW/2014 pending on the file of 25th Metropolitan Magistrate Court, Mazgaon at Sewree, Mumbai. The said case arises out of FIR No. 189 of 2012 registered with Byculla Police Station, at the instance of respondent No.2, for the offences punishable under Sections 465, 467, 468, 471 and 420 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject criminal case by consent. Respondent No.2 as well as aggrieved persons viz. Mr. Ramchandra L. Waghmare & Mr. Mahadeo Shankar Gawde have filed separate affidavits dated 26th and 29th October, 2015 respectively, wherein they have stated that they have no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.2 as well as aggrieved persons viz. Mr. Ramchandra L. Waghmare & Mr. Mahadeo Shankar Gawde are personally present before the Court. They specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if the proceedings of the subject criminal case are quashed and set-aside. They also stated that they are giving no objection for quashing the proceedings of the subject criminal case 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. In these circumstances, and especially, in view of the law laid down by the Apex

Court in the case of **Narinder Singh vs. 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. 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 writ petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.20,000/- by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners 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 writ petition shall stand dismissed automatically without any further reference to the Court.

6. Subject to above, the writ petition is disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]