

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 4262 OF 2015

Shri Laxmansingh Shankarsingh Rajpurohit ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

CRI. WRIT PETITION NO. 4263 OF 2015

Shri Ashok Dattu Pawar ... Petitioner.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. D. A. Dubey, Advocate for the Petitioner in WP No.4262/2015 & for Respondent No.2 in WP No.4263/2015.

Mrs. M. M. Deshmukh, APP for Respondent No.1-State.

Mr. R. R. Tripathi, Advocate for Respondent No.2 in WP No.4262/ 2015 & for the Petitioner in WP No.4263/2015.

Mr. D. A. Tripathi, Advocate for Respondent No.2 in WP No. 4263/2015.

CORAM : RANJIT MORE & A.V.NIRGUDE,JJ.

DATED : 26th NOVEMBER, 2015.

P.C. :

1 Heard the learned counsel appearing for the respective parties in both the petitions and the learned APP for the State.

2 Criminal Writ Petition No. 4262 of 2015 arises out of SCC No.1197 of 2015 filed under section 138 of the Negotiable Instruments Act and pending on the file of the JMFC, Bhiwandi.

3 Criminal Writ Petition No. 4263 of 2015 arises out of the registration of FIR bearing CR No. I 54 of 2015 with the Bhiwandi City Police Station at Bhiwandi for the offences punishable under sections 386, 392, 504, 506 read with section 34 of the Indian Penal Code.

4 SCC No. 1197 of 2015 was filed by Laxmansingh Shankarsingh Rajpurohit, the Petitioner in criminal writ petition no.4262 of 2015 against Ashok Dattu Pawar, the petitioner in criminal writ petition no.4263 of 2015.

5 CR No. I 54 of 2015 is registered at the instance of Ashok Dattu Pawar, the petitioner in criminal writ petition no.4263 of 2015 against Laxmansingh Shankarsingh Rajpurohit, the Petitioner in criminal writ petition no.4262 of 2015.

6 Both the learned counsel appearing for the respective parties make a common statement that initially Shri Laxmansingh Shankarsingh Rajpurohit filed a complaint under

section 138 of the Negotiable Instruments Act against Shri Ashok Dattu Pawar and, thereafter, Ashok Dattu Pawar lodged the subject FIR against Laxmansingh Shankarsingh Rajpurohit on the allegation that the cheque in question was taken forcibly from him.

7 Pending the investigation, the parties settled their dispute amicably and have approached this court for quashing both the complaints, namely, complaint under section 138 of the Negotiable Instruments Act and the complaint vide CR No. I 54 of 2015 registered with the Bhiwandi City Police Station at Bhiwandi. The respective parties have filed separate joint affidavits in both the writ petitions. They have stated in the affidavits that the dispute between the parties has been settled amicably and, therefore, they seek quashing of both the subject complaints. Shri Laxmansingh Shankarsingh Rajpurohit and Shri Ashok Dattu Pawar are personally present before the court. On being questioned, they specifically stated that they have gone through the affidavits and have fully understood the contents thereof and that they have no objection, if the subject complaint and the FIR are quashed and set aside.

8 It can, thus, be seen that the matters have been amicably settled between the parties. From perusal of the complaints, 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.

9 Accordingly, the writ petitions are allowed in terms of prayer clause (a) subject to payment of costs of Rs. 10,000/- to be paid equally by the petitioner in both the petitions to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner in both the petitions shall pay the said costs equally and produce the receipt thereof on the file of this court within a period of four weeks from today, failing which, both the criminal writ petitions shall stand dismissed automatically without further reference to the court.

10 Subject to above, both the criminal writ petitions stand disposed of.

(A.V.NIRGUDE,J.)

(RANJIT MORE,J.)

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