

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4496 OF 2015

Abhishek Amitabh Chaturvedi	..Petitioner
Versus	
1. The State of Maharashtra	
2. Purshottam Ishwar Devadiga	..Respondents

Mr. Mohan RP Rao, advocate for the petitioner.
Mrs. M. M. Deshmukh, APP for the State.
Mr. T.S. Bhide, advocate for respondent No.2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 3rd DECEMBER, 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 the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.2177/PS/2012 pending on the file of learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai. The said case arises out of FIR being C.R.No. 241/2012 registered with the Dadar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 279, 338 and 427 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 has filed an affidavit dated 2nd December, 2015. In paragraph 7, he has given his consent for for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the subject criminal case are quashed and set-aside. He also stated that he is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

3. The petitioner is a young boy of 23 year old. He is gainfully employed in the ICICI Bank at Dubai as a Deputy Manager. Since this fact coupled with the fact that the complainant/respondent No.2 has given no objection for quashing the proceedings of the subject criminal case, we are of the opinion that the proceedings of the subject criminal case deserves to be quashed and set-aside.

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 (a) is allowed in terms of prayer clause (a) subject to payment of cost of Rs.55000/- by the petitioner to **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner 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 criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]