

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

CRIMINAL APPLICATION NO. 1264 OF 2015

Meharji Manchershah Makati

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. Apoorv Singh, for the Applicant.

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

Mr. Shailesh Kharat, for Respondent No. 2

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

DATE : 16th DECEMBER 2015

P.C. :

1. Heard learned Counsel for the Applicant and learned APP appearing for the State.

2. The Criminal Application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of the Criminal Case No. 273/PS of 2012 pending on the file of learned Metropolitan Magistrate's 40th Court at Girgaum, Mumbai. The said case arises out of the registration of FIR being FIR. No. 258

of 2011 with Gavdevi Police Station, at the instance of Respondent No. 2, for the offences punishable under Section 354 of the Indian Penal Code, 1860.

3. Pending the trial, the parties to the Application settled their dispute amicably and in pursuance of an understanding arrived at between them, approached this Court for quashing the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 16th December 2015. In paragraphs 4 and 5, she has given no objection for quashing and setting aside the subject criminal case. Respondent No. 2 is personally present in Court. On being questioned, she specifically stated that she 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. She also stated that she 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.

4. Considering the fact that the Applicant is also of 75 years old and undergone spine surgery coupled with the fact that the Respondent No. 2/complainant is also not ready and willing to proceed with the criminal case, we are inclined to quash the

proceedings of the subject criminal case.

5. 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.

6. Accordingly, the Application is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 20,000/- by the Applicant to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. The Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from the date of receipt of this order, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court.

[V.L. ACHLIYA, J.]

[RANJIT MORE, J.]