

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4568 OF 2015

Shri Paresh Jayantilal Bilakhia and anr. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Ganesh Bhujbal, advocate for the petitioners.
Mr. Pawan Mali i/b. Mr. Kamlesh Mali, advocate for respondent No.2.
Mrs. S. V. Sonawane, learned APP for the State.

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

DATE : 22nd DECEMBER, 2015.

P. C. :

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

2. This petition is filed under Article 226 of the Constitution of India, 1950 read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the criminal case bearing No. CC/42/PW/2015 pending on the file of learned Addl. Chief Metropolitan Magistrate, 2nd Court, Mazgaon at Sewree, Mumbai. The said case arises out of registration of FIR bearing CR No.195 of 1999 with Dongri Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 465, 466, 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 has filed an affidavit dated 27th November, 2015. In paragraph 4, he has given his no objection for quashing and setting-aside 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 subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR 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 criminal petition is allowed in terms of prayer clause (a) subject to costs of Rs.50,000/- to be paid equally by the petitioners and respondent No.2. The petitioners shall deposit their share of Rs.25,000/- with Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and respondent No.2 shall deposit his share of Rs.25,000/- with **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. On payment of costs as mentioned hereinabove, the petitioners and respondent No.2 shall produce the receipts 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.]