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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4629 OF 2015

Shree Impex and Marketing and Ors. .. Petitioners
V/s.
Mr. Sanjeev Sinha and Ors. .. Respondents

Smt. S.D. Khot i/by Mr.K.S. Patil for the petitioners.

Mrs. M.M. Deshmukh, A.P.P. For the State.

Mr.M.N. Gawanekar for the respondent no.1.

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

DATED : 9th DECEMBER, 2015

P.C. :-

Heard the learned counsel for the petitioners, respondent no.1 and the learned A.P.P. for the State.

2. This petition is filed under the provisions of Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceeding of F.I.R. bearing C.R. No. I-192/2015 registered with CBD Police Station, New Bombay under section 420 read with section 34 of Indian Penal Code at the instance of respondent no. 1 against the petitioners pursuant to the respondent's complaint under section 156(3) of Code of Criminal Procedure.

3. Pending investigation, the parties approached this

Court for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No. 1 has filed an affidavit dated 24/11/2015. In paragraph No. 6 and 7 he has stated that he has no objection if the subject F.I.R. is quashed. Respondent No. 1 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent no. 1 specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said proceedings 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. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. 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 application is made absolute in terms of prayer clause (b) subject to payment of cost of Rs.1,00,000/- is to be paid by the Petitioners and respondent no. 1 in equal proportion. Out of this, an amount of Rs.50,000/- would be paid to **Tata Memorial Hospital** for the use of its philanthropic purposes. and Rs.50,000/- to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal Writ Petition shall stand dismissed automatically without further reference to the Court.

6. Subject to the above, the Criminal Writ Petition stands disposed of.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)