

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

CRIMINAL WRIT PETITION NO. 4767 OF 2015

Kiran Uttam Nikam

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Datta M. Pawar, for the Petitioner.

Mr. K.V. Sarti, APP for the State.

Mrs. Savita S. Ghabade, Respondent No. 3 present in person.

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

DATE : 16th DECEMBER 2015

P.C. :

1. Heard learned Counsel for the Petitioner, learned APP and Respondent No. 3 in person.

2. The Petition is filed to quash and set aside the proceedings of C.C. No. 1441/PW/14 pending on the file of learned Metropolitan Magistrate Court, Andheri. The said case arises out of FIR being C.R. No. 285 of 2013 registered with Sakinaka Police Station, at the instance of Respondent No. 3, for the offences

punishable under Sections 323, 354, 452, 504 and 509 of 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 FIR by consent. Respondent No.3 has filed an Affidavit dated 16th December 2015. In paragraph 4, she has stated that she has no objection for quashing and setting-aside the proceeding of the subject criminal case. Respondent No. 3 is personally present before the 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 FIR 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. 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 Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs. 5,000/- by the Petitioner to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. The Petitioner shall pay the said costs 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.]