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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.18 OF 2016

Ramchandra Sharavan Lalge and Anr.	..Petitioners.
V/s.	
The State of Maharashtra and Anr.	..Respondents.

Mr.K.V. Nikam for the petitioners.

Mr.K.V.Saste, APP for respondent-State.

Mr.S.S.Avhad for respondent No.2.

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

DATED : 13TH JANUARY, 2016

P.C. :-

1. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned A.P.P. for the State.

2. This petition is filed under Article 226 of the Constitution and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Criminal Case No.612/PS /2012 pending on the file of the learned Metropolitan Magistrate, Esplanade Court, Mumbai on the basis of F.I.R. bearing C.R.No. 52/2012 registered with Cuffe Parade police station, Mumbai at the instance of respondent No.2 against the petitioners for offences

punishable under Section 354 and 541 read with Section 34 of the Indian Penal Code.

3. Pending trial, the parties amicably settled their dispute and have approached this Court for quashing the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 13th January, 2016. In paragraph 5 she has stated that she has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court along with her brother. She is identified by her Advocate. On query from the Court, respondent No.2 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion. The petitioners voluntarily states they are willing to undertake to render community service in Lotus Old Age Home, Worli on every Sunday between 10.00 a.m. to 5.00 p.m. The undertaking is accepted.

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 personal in nature. The offence alleged cannot be said to have any serious 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 Case No. 612/PS/2012 pending on the file of the learned Metropolitan Magistrate, Esplanade Court, Mumbai is required to be quashed. However, at the same time, cost needs to be saddled as considerable time has been spent in investigation of the case by police.

5. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the petitioners to be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes within a period of two weeks from today and thereafter produce a receipt thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. In addition to that, the petitioners shall do community service with Lotus Old Age Home, Worli for a period of three months on every Sunday from 10.00 a.m. to 5.00 p.m. The petitioners shall thereafter file a certificate to the effect that they have complied

with their undertaking. A copy of this order shall be forwarded to the Offical of Lotus Old Age Home, Worli.

7. It is made clear that the petitioners have undertaken to do community service voluntarily and this should not be construed as admission of guilt or penalty and the same shall not come in the way of the petitioners in future undertaking employment for any other purposes.

8. Subject to the above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)