

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 174 OF 2016

Pradeep M. Sonthalia

..Petitioner

Versus

The State of Maharashtra and anr.

..Respondents

Mr. Ajay Tripathi, advocate for the petitioner.

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

Mr. M. G. Patil, advocate for respondent No.2.

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

DATE : 2nd MARCH, 2016.

P. C. :

Heard learned counsel and learned for the respective parties.

2. The petition is filed for quashing the proceedings of the criminal case No. 980/PW/2011 pending on the file of learned Metropolitan Magistrate, 13th Court, Dadar. The said case arises out of registration of FIR bearing C.R.No.315 of 2009 with Shivaji Park Police Station, at the instance of respondent No.2 against the petitioner and other two accused, for the offences punishable under Section 394 read with Sections 34 and 323 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and have approached this Court for quashing the proceedings of the subject criminal case qua the petitioner by consent. Respondent No.2 has accordingly filed an affidavit dated 12th January, 2016. In paragraph 4, she has given her no objection for quashing the proceedings of the subject case qua the petitioner. Even otherwise, having gone through the charge-sheet, we find that neither the petitioner is the assailant nor any role is attributed to him. Respondent No.2 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 criminal case are quashed and set-aside qua the petitioner.

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 writ petition is allowed in terms of prayer clause (i) subject to payment of cost of Rs.10,000/- each by the petitioner as well as respondent No.2 to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The parties shall pay the said costs and produce the receipts thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]