

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

CRIMINAL WRIT PETITION NO. 193 OF 2016

Sigrun Realities Ltd.	...Petitioner
vs.	
State of Maharashtra & Ors.	...Respondents

Mr.Aniket V. Nikam i/b. Aashish Satpute for Petitioner.
Mrs.M.M. Deshmukh, APP for State.
Mr.P.D. Purvay for Respondent No.2.

CORAM : RANJIT MORE & S.C. GUPTA, JJ.

29 JANUARY 2016

P.C. :

Learned Counsel, at the outset, seeks leave to amend the petition so as to give particulars of the prayer clause. Leave granted. Necessary amendment to be carried out forthwith.

2 Heard learned Counsel for the respective parties and the learned APP for the State.

3 The petition is filed under Section 482 of Cr.P.C. to quash and set aside the proceedings of the Criminal Case bearing CC No.140/PW/2014 pending on the file of learned Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. The said case arises out of registration of FIR bearing C.R. No.283/2012 initially registered with Charkop Police Station, Kandivali for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 120B read with 34 of IPC against Applicant and other accused. (FIR was subsequently transferred to EOW, Crime Branch Unit 3, Mumbai vide C.R. No.103/2012 and thereafter, again transferred to Detection Crime Branch Unit 4 vide CR No.42/2013).

4 Pending investigation, the parties settled their disputes amiably and in pursuance of an understanding arrived at between them, filed the present petition for quashing the proceedings under the subject criminal case, by consent. Respondent No.2, original complainant, accordingly, has filed an affidavit dated 20 January 2016. In para 4, he has given no objection to quash the subject proceedings. Respondent No.2 is personally present before the court. He confirms the contents of the affidavit. On specific query, he states that he has no objection to quash the subject FIR. He also states that he is giving consent out of free will and without there being any pressure or undue influence.

5 Be that as it may, it can 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 needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6 Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the Petitioner. The Petitioner shall pay the costs of Rs.50,000/- to **Tata Memorial Hospital** and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which the petition shall stand dismissed automatically without reference to the court.

76 Subject to above, the criminal petition stands disposed of.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)