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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 49 OF 2016

Mr. Akshay Anil Khot and ors.Applicants
versus
Mrs. Prathiba Nirmal Dedhia and anr.Respondents

Mr. Himanshu Shinde, advocate for the applicants.
Mr. F. R Shaikh, APP for the State.
Mr. Nitin Dhandare, advocate for respondent No.2.

**CORAM : RANJIT MORE &
S. C. GUPTE, JJ.**

DATED : 5th FEBRUARY, 2016.

P.C.:

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.1647/PW/2014 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court at Andheri. The said case arises out of FIR bearing C.R.No.132 /2014 registered with Meghwadi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 354, 354-B, 323 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has, accordingly, filed an affidavit dated 5th February, 2016. In paragraph 13, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. 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. 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the applicants to the **“Kirtikar Law Library”**. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal application stands disposed of.

(S. C. GUPTE, J.)

(RANJIT MORE, J.)