

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.61 OF 2016

Gopal Amar Thakur and Others	..Applicants
Versus	
State of Maharashtra & Anr.	..Respondents

Mr. A.V.Chatuphale with Ms. R.W.Correia, Advocates for the Applicants.
Mr. Ramesh Tripathi for respondent no.2.
Mr. J.P. Yagnik, APP for the State.

**Coram : SHANTANU KEMKAR &
 RANJIT MORE, JJ.**
Date : 5th May, 2016.

P. C. :

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

2. At the outset, learned counsel for the applicants seeks leave to amend the prayer clause so as to give particulars of the Criminal Case. Leave is granted. The necessary amendment to be carried out forthwith.

3. This application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the Criminal Case No. 1979 of 2015 filed before the Judicial Magistrate, First Class, Vashi, Navi Mumbai arising out of CR No.I-94 of 2015 registered with CBD Police Station at the instance of respondent No.2, for the offences punishable under Sections 406,

420 read with Section 34 of the Indian Penal Code, 1860. The said FIR and consequential Criminal Case is registered against 4 persons including three applicants in the instant application.

4. Pending investigation, 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/Complainant has filed an affidavit dated 5th January, 2015. In paragraph 2 of the affidavit of Respondent No.2, he has stated that he has no objection of any nature whatsoever for quashing and setting-aside the C.R. in question. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if Criminal Case and the C.R. in question is quashed and set-aside. He also stated that he is giving no objection for quashing the subject Criminal case and CR out of free will and without there being any pressure or coercion.

5. 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.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicants to the **“Naam Foundation”** an institution that works for betterment of farmers in the drought-prone areas of [Marathwada](#) and [Vidarbha](#) in the state of [Maharashtra](#) . The applicants shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]