

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.71 OF 2016

Rohit Rajkumar Chaurasiya	..Applicant
Versus	
State of Maharashtra and anr.	..Respondents

Mr. Viral K. Rathod, advocate for the applicant.
Mrs. S. V. Sonavane, APP for the State.
Mr. A. R. Shaikh, advocate for respondent No.2.

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

DATE : 25th JANUARY, 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 Sessions Case No.476 of 2015 pending on the file of learned Judge, 39th Sessions Court, Mumbai. The said case arises out of FIR bearing C.R.No. 95 of 2015 registered with Oshiwara Police Station, at the instance of respondent No.2, for the offences punishable under Sections 341, 354, 306, 500, 504 and 511 of the Indian Penal Code, 1860.

3. After completion of the investigation, charge-sheet is filed before the learned Magistrate under the provisions of Sections 341, 354, 306, 500, 504 and 511 of the Indian Penal Code, 1860. In due

course of time, the learned Magistrate committed the case to Sessions Court. 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 filed an affidavit dated 25th January, 2016. In paragraph 4, she has stated that she has 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 applicant to the **"Kirtikar Law Library"**. The applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the 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.]