

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.597 OF 2016

Mr. Gopal Kuppuswami Ramourti and ors.	..Petitioners
Versus	
Mr. Shabnam Nilesh Kapadia and anr.	..Respondent

Mr. Akshay Kapadia i/b. Mr. Narendra V. Sharma, advocate for the petitioners.
Mr. S. K.Srivastav i/b. M/s. S. K. Srivastav and Co., advocates for respondent No.1.
Ms. S. D. Shinde, APP for the State.

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

DATE : 1st MARCH, 2016.

P. C. :

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

2. The petition is filed for quashing and setting aside proceedings of criminal case bearing C.C.No.6601756/PW/2013 pending on the file of learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai which is the result of FIR registered with Powai Police Station being MECR No.119 of 2016, at the instance of respondent No.1, for the offences punishable under Sections 403, 404, 406, 465, 467, 471, 474

read with Section 34 of the Indian Penal Code, 1860. The allegations are that the will of respondent No.1's husband came to be forged by the petitioners who are her in-laws and her mother-in-law who has now expired.

3. Pending trial, the parties settled their dispute amicably and have approached this Court for quashing and setting aside the proceedings of the subject criminal case by consent. Respondent No.1 has, accordingly, filed an affidavit dated 9th February, 2016. In paragraph 4, she has given no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.1 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 complaints, 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 petition is allowed in terms of prayer clause (B) subject to payment of costs of Rs.50,000/ by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners 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 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.]