

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 211 OF 2016

Janardan Gawli and anr. ...Applicants
Versus
Mrs. Kalpana Suresh Adhav and ors. ..Respondents

Mr. Afroz A. Siddique, advocate for the applicants.
Mr. Mateen Shaik, advocate for respondent No.1.
Ms. S. D. Shinde, APP for the State.

with
CRIMINAL APPLICATION NO. 212 OF 2016

Mr. Sagar Suresh Adhav ...Applicant
Versus
Smt. Vandana Janardan Gawli and ors. ..Respondents

Mr. Mateen Shaik, advocate for applicant.
Mr. Afroz A. Siddique, advocate for respondent No.1.
Mr. J. P. Yagnik, APP for the State.

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

DATE : 25th FEBRUARY, 2016.

P. C. :

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

2. Both the applications are filed under the provisions of
Section 482 of the Code of Criminal Procedure, 1973 for quashing and
setting-aside the subject FIRs. The subject FIR in criminal application

No.211 of 2016 bearing CR.NO.31 of 2016 is registered with Kurla Police Station, at the instance of respondent No.1 – Mrs. Kalpana Suresh Adhav for the offences punishable under Sections 354 (A)(1)(4) read with Section 34 of the Indian Penal Code, 1860 and the subject FIR in criminal application No.212 of 2016 being CR.NO.27 of 2016 is registered with Kurla Police Station, at the instance of respondent No.1 – Mrs. Vandana Janardhan Gawli for the offences punishable under Sections 354, 504 and 506 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the applications settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant applications for quashing the proceedings of the subject FIRs by consent. The first informant in both the criminal applications have, accordingly, filed separate affidavits dated 23rd February, 2016, wherein they have given their no objection to quash the FIRs registered at their instance. Both the complainants, in the above FIRs, are present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if the subject FIRs are quashed and set-aside. They also stated that they are giving no objection for quashing the subject FIRs 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 applications are allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/ by the applicants in criminal application No.211 of 2016 and Rs.5000/- by the applicant in criminal application No.212 of 2016. The applicants shall pay the said costs to **“Naam Foundation ”** an NGO whose mission is to build sustainable & progressive society by facilitating development in rural areas by working on different issues like infrastructure, education, employment , food & so on and, thereafter produce the receipts thereof on the file of this Court within a period of four weeks from today, failing which, the criminal applications shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal applications stand disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]