

Sbw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.2890 OF 2014**

Sandeep Bandagale

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

.....

Mr. Ashok Kumar Mishra for the Petitioner.

Mrs. S. V. Sonawane, APP, for the Respondent-State.

Mr. A. K. Tripathi for Respondent no.3.

.....

**CORAM: RANJIT MORE &
A. K. MENON, JJ.****DATE : 19TH JANUARY, 2016**

PC.:

The learned counsel for the petitioner at the outset, seeks leave to amend the prayer clause. Leave granted. Necessary amendment shall be carried out forthwith.

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

3] This Petition is filed for quashing and setting aside the proceedings of Criminal Case being C.C. No.2653/PW/2008 pending on the file of the Railway Mobile Metropolitan Magistrate's Court at Andheri. The said case arises out of FIR bearing C.R. No.129 of 2007 with

Meghwadi Police Station, Mumbai at the instance of respondent no.3 for an offences punishable under Sections 143, 145, 147, 149, 452, 341, 323 and 506 of the Indian Penal Code, 1860.

4] Pending trial, the parties have settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the subject Criminal Case by consent. Respondent No.3 has filed an affidavit dated 14th January, 2016. In paragraph 3, he has stated that he has no objection for quashing and setting-aside the subject Criminal Case. Respondent No.3 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 the subject Criminal Case is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR 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.20,000/- by the petitioner to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner 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 Writ Petition application shall stand dismissed automatically without further reference to the Court.

7] Subject to above, the Writ Petition is disposed of.

(A. K. MENON, J.)

(RANJIT MORE, J.)