

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO. 1186 OF 2015

Mahendra Govind Salunkhe & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Kamlesh Tiwari, for the Applicants.
Mr. J.P. Yagnik, APP for the State
Mr. Mahesh Pandey, for the Respondents.

CORAM : RANJIT MORE &
S.C. GUPTE, JJ.
DATE : 4th February 2016

P.C. :

1. Heard learned Counsel appearing for the respective parties and learned APP.
2. The Application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, to quash and set aside the proceedings of the Criminal Case No. 370/P/02, pending on the file of learned Additional Chief Metropolitan Magistrate, 9th Court at

Bandra. The said case arises out of the registered FIR bearing C.R. No. 2 of 2002, registered with Mahim Police Station, at the instance of Respondent No. 2, for an offence under Section 420, 406 read with Section 34 of the Indian Penal Code.

3. Pending trial of the subject Criminal Case, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, approached this Court for quashing the subject Criminal Case by consent.

4. Respondent No. 2, accordingly, has filed an Affidavit dated 29th September 2015. In paragraph 3, he has stated that he has no objection for quashing and setting-aside the subject Criminal Case. 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 the subject Criminal Case is quashed and set-aside. He also stated that he 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.

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 cost of Rs. 10,000/- by the Applicants to the **“Tata Memorial Cancer Hospital, Mumbai”** an institution that takes care of the advanced and terminally ill cancer patients. The Applicants 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 Criminal Application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the Criminal Case stands disposed of.

[S.C. GUPTE, J.]

[RANJIT MORE, J.]