

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1321 OF 2015

Mansukh Kanti Waghela

...Applicant

V/s.

M/s. Supra Estate (I) Pvt. Ltd. & Ors.

....Respondents.

.....

Mr. Aniket Nikam with Ms. Purvi i/by Narendra Yadav, Advocates for the Applicant.

Mr.A.H.Ponda with Anuja Jhunjunwala i/by Naik Naik & Co.,Advocates for the Respondents.

Mrs. S.D.Shinde, APP for the State.

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**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATE : 19TH JANUARY, 2016.

PC.:

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

2 The Complainant himself has approached this Court invoking the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Complaint being C.C.No.527/SW/2014 and the order dated 14.11.2014 passed by the learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai in the said Criminal Case.

3 The Applicant/Complainant filed the above referred Criminal Case under Section 156 of the Code of Criminal Procedure, 1973 against the Respondents-Accused alleging that they have committed offence punishable under Sections 120B, 177, 465, 467, 468, 471, 474 read with Section 34 of the Indian Penal Code, 1860 and the learned Metropolitan Magistrate passed the order under Section 156(3) of the Code of Criminal Procedure, 1973 in the said Criminal Case.

4 The counsel for the Applicant-Complainant so also for the Respondents-Accused on instructions make a statement that this order under Section 156(3) of the Code of Criminal Procedure, 1973 was never communicated to the concerned police station and, therefore, as of today F.I.R. is not registered in pursuance of the said order. Statement accepted.

5 Meanwhile, parties settled their disputes amicably and have approached this Court for quashing the order dated 14.11.2014 under Section 156(3) of the Code of Criminal Procedure, 1973 by consent.

6 The Applicant is personally present before this Court. On specific query, he states that he does not want to prosecute the said

complaint and he has no objection if the complaint being C.C.No.527/SW/2014 and the order dated 14.11.2014 passed by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai under Section 156(3) of the Code of Criminal Procedure, 1973 are quashed and set aside. He also states that he is making the said statement voluntarily without there being any coercion or force.

7 It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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. In that view of the matter and in the interests of justice, Complaint being C.C.No.527/SW/2014 and the order dated 14.11.2014 passed by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai under Section 156(3) of the Code of Criminal Procedure, 1973 are required to be quashed and set-aside. 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.

8 Accordingly, the Complaint being C.C.No.527/SW/2014 and the order dated 14.11.2014 passed by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai under Section 156(3) of the Code of Criminal Procedure, 1973 are quashed and set-aside qua the Respondents-Accused subject to payment of costs of Rs.20,000/- by the Applicant. The Applicant shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this Application within a period of four weeks from today, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court.

(A. K. MENON, J.)

(RANJIT MORE, J.)