

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4828 OF 2015

1. Dhiraj @ Sonya Sanjay Gholap and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondent

Mr. V. V. Purwant, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.

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

DATE : 5th JANUARY, 2016.

P. C. :

Heard Mr. Purwant, learned counsel for the petitioners
and Mr. Saste, learned APP for the State.

2. This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973, to quash and set-aside the proceedings of the special case No.5 of 2011 pending on the file of learned Special Judge -1, Baramati. The said case arises out of registration of FIR No.214 of 2010 registered with Walchand Nagar Police Station, District Pune, at the instance of respondent No.2 for the offences punishable under Sections 143, 147, 148, 149, 354, 452, 323, 504 and 506, Sections 3(1)(x) and 3(1)(xi) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act,

1989, Section 7(1)(d) of the Protection of Civil Rights Act, 1955 and Section 135 of the Maharashtra Police Act.

3. Pending trial, the parties settled their dispute amicably with the intervention of elders and have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 5th January, 2016. In paragraph 4, she has stated that she has no objection for quashing and setting-aside the proceedings of the subject special case bearing No.5 of 2011. Respondent No.2 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 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the petitioners to **“Kirtikar Law Library”**. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]