

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 159 OF 2016

Sanjay Ramesh Shetty	..Petitioner
Versus	
The State (Vileparle Police Station	
Vide C.R.No.325 of 2010) and anr.	..Respondents

Mr. R. V. Gupta, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.
Mr. P. P. Prabhu, advocate for respondent No.2.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 24th MARCH, 2017.

P. C. :

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

2. The criminal writ petition is filed for quashing the proceedings of C.C.No.355/PW/2011 pending on the file of learned Metropolitan Magistrate, 65th Court, Andheri. The said case arises out of registration of FIR being C.R.No.325 of 2010 with Vileparle Police Station, at the instance of respondent No.2, for the offences punishable under Sections 408, 465, 467, 468 and 471 of the Indian Penal Code, 1860.

3. During the pendency of the trial of the said criminal case before the learned Magistrate, the parties to the petition have settled their dispute amicably and have approached this Court for quashing the proceeding of the said criminal case by consent. Respondent No.2/original complainant has filed an affidavit dated 24th March, 2017, wherein she has stated that the police has recovered an amount of Rs.45,000/- and the said amount is returned to her. It is also stated in the affidavit that the petitioner has undertaken not to claim Rs.45000/- from respondent No.2/complainant. The said affidavit further reveals that the dispute between the parties is settled and, therefore, respondent No.2/complainant does not wish to continue the proceedings of the said criminal case against the petitioner. 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.

3. 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 cases of **Nikhil Merchant vs. Central Bureau of Investigation & Anr. (2008) 9 SCC 677 and 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.

4. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/- by the petitioner to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

5.. Subject to above, the writ petition is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]