

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 127 OF 2017

Dipti Chawla and Anr.

..Applicants.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Tejas Luniya i/b Thodur Law Associates for the Applicants.

Mr. N. B. Patil, APP for the State.

Mr. Balwant Salunkhe i/b Dipak More for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **June 28, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant, for Respondent No. 2 and the learned APP for the State.

2. The application is filed for quashing the proceedings of CC Case No. 592/SW/2013 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court at Andheri, Mumbai. The said case is the offshoot of MECR No. 13 of 2013 registered with MIDC Police Station, Andheri for the offence punishable under sections 384, 385, 387, 323, 504 and 506(ii) read with 34 of the Indian Penal Code, 1860. The said MECR was registered against the Applicants at the instance of Respondent No. 2 herein.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, with the help and intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and in pursuance of the understanding arrived at between the parties, the present application is filed for quashing the above criminal proceedings, by consent of Respondent No. 2.

4. Affidavit dated 25th January 2017 has been filed by Respondent No. 2. In the said affidavit, he has stated that he has no objection for quashing the proceedings of the criminal case pending against the Applicants which was initiated at his behest. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the criminal proceedings in question initiated by him against the Applicants.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings. Accordingly, application is allowed in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Applicants with the cost of Rs.20,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants ... shall pay the said cost and produce the receipt thereof on the file of

this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]