

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 778 OF 2016

Mrs. Anju Manish Gangar and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Sanjeev Sawant i/b. Mr. Himanshu W. Kode, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. D. K. Ashar i/b. Sanjay Udeshi and Co., advocates for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 29th JUNE, 2017.

P. C. :

Mr. Sawant, learned counsel for the petitioners, at the outset, seeks leave to amend the cause-title of the petition, so as to correct the description of the respondent No.2. Leave as prayed for, is granted. Necessary amendment be carried forthwith.

2. Heard Mr.Sawant, learned counsel for the petitioners, Mr. Ashar, learned counsel for the respondent No.2 and Ms.Shinde, APP for the State.

3. The petitioners have filed the present petition for quashing the proceedings of the criminal case No.868 of 2016 pending on the file of the learned JMFC, Vashi, Navi Mumbai. The said case arises out of

registration of FIR No.I-475 of 2015 with Vashi Police Station, Navi Mumbai, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 420, 406 and 506 read with Section 34 of the Indian Penal Code, 1860.

4. Pending trial, the parties settled their dispute amicably and have, accordingly, entered into Memorandum of Understanding (MOU) dated 9th March, 2016. A copy of the said MOU is annexed to the petition at "Exhibit A". In terms of this MOU, the parties have approached this Court by way of this petition for quashing the proceedings of the subject criminal case by consent.

5. Both the learned counsel for the petitioners and respondent No.2 respectively stated that the terms of the said MOU are already complied with. The respondent No.2 has also filed an affidavit dated 13th December, 2016. In paragraph 8 thereof, he has prayed for quashing the proceedings of the subject FIR/criminal case. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit, and has understood the contents thereof. He further confirmed that he has no objection if the proceedings of the subject criminal case arising out of the aforesaid FIR are quashed and set-aside.

6. 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 the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]