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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1084 OF 2017

Dattu Ashok Jadhav and ors ... Petitioners.

V/s.

The State of Maharashtra and anr ... Respondents

Mr. Ritesh Thobde, for the Petitioner.
Mrs. A. S. Pai, APP for the Respondent State.
Mr. Pandir Kasar, for Respondent No.2.

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

DATE : 6th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel for the petitioners, learned APP and learned counsel for respondent No.2.

2] Leave to amend the prayer clause (a) so as to give particulars of Criminal Case.

3] Necessary amendment shall be carried out forthwith.

4] At the instance of respondent No.2, F.I.R. bearing No.183 of 2016, came to be registered against petitioners and ors., for offences punishable under Sections 452, 354, 292(B), 387, 506(2),

323 and 504 of the Indian Penal Code and section 12 of the Protection of Child from Sexual Offences, Act, at Salgar Vasti Police Station, Solapur.

5] So far as petitioner Nos. 2 and 3 are concerned, chargesheet is already filed against them and the case is numbered as Special Case No.235 of 2017. As far as petitioner No.1 is concerned, chargesheet could not be filed as he was absconding. However, he is present before the Court today.

6] The present petition is for quashing of F.I.R. as well as proceeding bearing Special Case No.235 of 2017, on the ground that the parties have settled their dispute.

7] In pursuant of the understanding referred to above, respondent No.2 as well as the victim and her daughter, have filed separate affidavits 1.3.2017. The affidavit of victim daughter shows that she was major on the date of filing affidavit.

8] In addition to above, respondent No. 2 and her daughter have stated that the dispute between the parties is amicably settled and they are not pressing and therefore, want to quash the F.I.R. and

the proceeding of the above Special case.

9] Both the respondent No. 2 and her daughter are present before the Court. They state that they have been explained in vernacular the contents in the affidavit and understood the contents thereof. They also state that in view of the settlement, subject F.I.R and the proceeding of the Special Case be quashed and set aside.

10] It can, thus, be seen that the matter has been amicably settled between the parties. 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.

11] Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioners to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. 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 application shall stand dismissed automatically without further reference to the Court.

12]. Subject to above, the criminal application stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]