

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 300 OF 2017

Nilesh Bhanu ChouguleApplicant
versus
The State of Maharashtra and anr.Respondents

Mr. Vishal L. Kolekar, advocate for the applicant.
Mr. S. R. Shinde, APP for the State.
Mr. Atharva Dandekar i/b. Udwadia and Co., advocates for the respondent No.2.

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

DATE : 22nd JUNE, 2017.

P. C. :

Heard the learned counsel for the applicant and respondent No.2 respectively and learned APP for the State.

2. The criminal application is filed for quashing and setting-aside the proceedings of the criminal case No.3539/PW/2008 pending on the file of the learned Metropolitan Magistrate, 65th Court at Andheri, Mumbai. The said case arises out of registration of FIR bearing CR No.326 of 2008 with Vile Parle Police Station by the Ex-Managing Director of the respondent No.2-Narindra V. Arora against the applicant for the offences punishable under Sections 408 and 420 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute and in terms on

an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. The informant – Mr.Narendra V. Arora, the Ex-Managing Director of the respondent No.2 as well as one Mr.Adil Shah-the present Manager- Legal of the respondent No.2 have filed separate affidavits dated 20th March, 2017. Both, Mr. Arora and Mr. Shah have stated in their respective affidavits that the dispute between the parties is settled and, therefore, they have no objection for quashing and setting-aside the proceedings of the subject criminal case. The learned counsel for the respondent No.2 has also placed on record a copy of the resolution passed by the respondent No.2 in the meeting of the Board of Directors held on 23rd March, 2017. By the said resolution, Mr. Adil Shah, Manager(Legal) as well as Mr. Narendra V. Arora, the former Managing Director of the respondent No.2 are authorized to give consent for quashing the subject FIR/proceedings of the subject criminal case. In the light of the resolution, Mr. Adil Shah, Manager-Legal of the respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and the affidavit as well and has understood the contents thereof. He further confirmed that he has no objection if the proceedings of the criminal case arising out of the subject FIR are quashed and set-aside.

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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the applicant to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The applicant 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.

6. Subject to above, the criminal application stands disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]