

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1387 OF 2016

Jagat Prakash NayakPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. S. R. Gaud, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.
Mr. Mukesh Badsawal, advocate for the respondent No.2.

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

DATE : 22nd JUNE, 2017.

P. C. :

Heard Mr. Gaud, learned counsel for the petitioner, Mr. Badsawal, learned counsel for the respondent No.2 and Mr. Yagnik, learned APP for the State.

2. The petition is filed for quashing and setting aside the Criminal Case No.25/PW/2016 pending on the file of the learned Additional/Chief Metropolitan Magistrate, 2nd Court at Mazgaon (Sewri), Mumbai. The said case arises out of registration of FIR bearing CR No. 519 of 2015 with Phydhonie Police Station, at the instance of the respondent No.2, against the petitioner for the offences punishable under Sections 454, 457 and 380 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and, in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has, accordingly, filed an affidavit dated 30th September, 2016. In paragraph 5 thereof, he has given his no objection for quashing the proceedings of the subject 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 as well and has understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceeding of the subject criminal case out of free will and without there being any pressure or coercion.

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 petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- by the petitioner to **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]