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

WRIT PETITION NO. 1948 OF 2017

Sanjay Vithal Kenjale and ors ... Petitioners.

V/s.

State of Maharashtra and ors ... Respondents

Mr. S. S. Prabhune, for the Petitioners.
Mr. K. V. Saste, APP for the Respondent State.
Mr. A. M. Patil, for respondent No.2.

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

DATE : 27th NOVEMBER, 2017.

P.C. :

1] Learned counsel at the outset seeks leave to add particulars of case, filed in the Court.

2] Leave granted.

3] Necessary amendment be carried out forthwith.

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

5] This petition is for quashing and setting the Summery Trial Case No.419 of 2017, pending on the file of Judicial Magistrate First Class, Indapur, District: Pune. The said case arises out of C.R.

No.22 of 2017, registered with Bhigwan Police Station, for the offence punishable under Section 353 of the Indian penal Code.

6] Pending trial, parties settled their dispute amicably in pursuant to the understanding arrived at between the parties. Original complaint -respondent No.2 Subhash Badhe and witnesses namely Bramhadeo Kekan, Maruti Pansare, Yashwant Kekan and Sitabai Appa Lakade, have filed affidavits giving no objection. Complainant as well as the above persons are present except Maruti Pansaure.

7] Respondent No.2 -original complainant, in paragraph Nos.2 and 3 of his affidavit stated that he has resolved the dispute by virtue of amicable settlement. He is personally present before the Court and admits that he has read over the petition and affidavit and understood the contents therein.

8] 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 subject FIR 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.

9] Accordingly, the writ petition is allowed in terms of prayer clause (a) and (b) subject to payment of costs of Rs.10,000/- by the petitioner to Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. 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 writ petition shall stand dismissed automatically without further reference to the Court.

10] The petition is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]