

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2304 OF 2017

Shivaji Maruti Shinde and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Ganesh Bhujbal, advocate for the petitioners.
Mr. S. R. Shinde, APP for the State.
Mr. Vaibhav Joshi i/b. Mr.Kiran Mardehkar, advocates for the respondent No.2.

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

DATE : 29th JUNE, 2017.

P. C. :

Heard Mr.Bhujbal, learned counsel for the petitioners, Mr. Joshi, learned counsel for the respondent No.2 and Mr.Shinde, APP for the State.

2. The petitioners have filed the present petition for quashing the proceedings of the criminal case No.601/PW/2014 pending on the file of the learned Metropolitan Magistrate, 13th Court at Dadar, Mumbai. The said case arises out of registration of FIR bearing CR No.111 of 2014 with N. M. Joshi Marg Police Station, Mumbai, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 324 and 114 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 by way of this petition for quashing the proceedings of the subject criminal case by consent.

4. The respondent No.2 has also filed an affidavit dated 15th June, 2017. In paragraph 4 thereof, he has given his no objection for quashing the proceedings of the subject criminal case arising out of the aforesaid CR.. 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 is giving no objection for quashing and setting aside the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

5. 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.

6. Accordingly, the the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the petitioners to Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. 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.

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

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]