

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.593 OF 2017

Sandeep Pradeep Haldankar.	]	... Applicant
Versus		
1. The State of Maharashtra.	]	
2. Miss Aradhana Krishnagopal Mishra.	]	... Respondents

ALONG WITH

CRIMINAL APPLICATION NO.351 OF 2017

Komal Ram Singh.	]	... Applicant
Versus		
1. The State of Maharashtra.	]	
2. Miss Aradhana Krishnagopal Mishra.	]	... Respondents

Mr. R. D. Suryavanshi a/w Mr. R. T. Kharwar for Applicants.
 Ms. S. D. Shinde, APP for State in Criminal Application No.593 of 2017.
 Mr. K. V. Saste, APP for State in Criminal Application No.351 of 2017.
 Mr. H. K. Maurya for Respondent No.2.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for applicants, learned Advocate for respondent no.2 and the learned APPs.

2. Both the applications are filed for quashing and setting aside the proceedings in C.C.No.1434/PW/2017 pending on the file of

the learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai. The said case arises out of registration of FIR bearing C.R.No.112 of 2016 registered at the instance of respondent no.2 with Kandivali Police Station, Mumbai, for the offences punishable under Sections 341, 354 and 354A r/w 34 of the IPC.

3. The applicant in Criminal Application No.593 of 2017 is the accused no.1 and the applicant in Criminal Application No.351 of 2017 is the accused no.2.

4. Pending trial, the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent.

5. The respondent no.2, accordingly, has filed separate affidavits thereby giving no objection to quash the criminal proceedings against the applicants in both the applications.

6. The respondent no.2 is personally present in the Court. On a specific query, she states that she has gone through the affidavit as well as the contents of the applications. In the above circumstances, she has no objection to quash the subject criminal proceedings. She has also stated that she has given no objection out of her free will and without any force or coercion.

7. 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*¹, 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.

8. Accordingly, both the Criminal Applications are allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) in each Criminal Application, to be deposited in the Tata Memorial Cancer Hospital. The applicants 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 Applications shall stand dismissed automatically without further reference to the Court.

9. Subject to above, both the Criminal Applications stand disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ 2014 AIR SCW 2065