

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2666 OF 2017

Mr. Sudheer Gopinath Dadarkar and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. M. S. Singh i/b. MKS Legal Associates, advocates for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. Laxminarayan Shukla i/b. M/s. Legal Vision, advocate for the
respondent No.2.

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

DATE : 20th JULY, 2017.

P. C. :

Heard Mr. Singh, learned counsel for the petitioners,
Mr. Shukla, learned counsel for the respondent No.2 and Mr.Saste,
learned APP for the State.

2. The petition is filed for quashing and setting aside the criminal case No.1358/PW/2011 pending on the file of the learned Metropolitan Magistrate, 26th Court at Borivali, Mumbai. The said case arises out of registration of FIR bearing C.R. No.315 of 2010 with Borivali Police Station, Borivali West, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 452, 323, 324, 504, 506(II) 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 for quashing the proceedings of the subject criminal case by consent. The respondent No.2 filed an affidavit dated 20th July, 2017. In paragraph 8 thereof, she has given her no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she is giving no objection for quashing the proceedings 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 proceedings of the subject criminal case 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 writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the petitioners to Kirtikar Law Library. 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.

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

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]