

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

CRIMINAL WRIT PETITION NO.2667 OF 2017

Sudheer Gopinath Dadarkar & Anr. Petitioners
versus
State of Maharashtra & Anr. ... Respondents

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- Mr.Manoj S. Singh i/b. MKS Legal Associates, Advocate for the Petitioners.
- Mr.K.V. Saste, APP for the State/Respondent.
- Mr.Laxminarayan Sukla i/b. Legal Vision, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 24th JULY, 2017.

P.C. :

1. Heard the learned counsel for the petitioners, respondent No.2 and learned APP.
2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing No.469/11 registered with Borivali Police Station, Borivali (W), Mumbai at the instance of respondent No.2 for the offences punishable u/s 143, 144, 147, 148, 149, 427, 435, 448, 452, 323, 341, 380, 504, 506-II of the Indian Penal Code and

proceedings of Sessions Case No.139/12 pending in Sessions Court at Dindoshi (Borivali Division).

3. Pending trial, the parties to the petition have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 20/07/2017. In paragraph No.8, she has stated that she has no objection for quashing and setting aside 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 affidavit and has fully understood the contents thereof and has no objection, if the subject criminal case is quashed and set aside. She also stated that she is giving no objection for quashing 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 (a) subject to payment of costs of Rs.5,000/- by the petitioners to the “**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 petition shall stand dismissed automatically, without further reference to the Court.
6. Subject to above, the criminal writ petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)