

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2669 OF 2017

Rita Mahesh Dadarkar	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

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

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

DATE : 20th JULY, 2017.

P. C. :

Heard Mr. Shukla learned counsel for the petitioner, Mr. Singh, learned counsel for the respondent No.2 and Mrs. Deshmukh, learned APP for the State.

2. The petition is filed for quashing and setting aside the criminal case No.507/SW/2011 pending on the file of the learned Metropolitan Magistrate, 26th Court at Borivali, Mumbai. The said case arises out of registration of MECR No.17 of 2012 with Borivali Police Station, Borivali West, Mumbai, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 406 and 420 read with Section 34 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, he has given his no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has fully understood the contents thereof. He has further confirmed that he 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 petitioner to Kirtikar Law Library. 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.

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

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]