

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.729 OF 2017**

Smt. Kasturi Ramnath Prabhu & Ors.] ... Applicants

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Prashant Badole for Applicants.

Mr. S. R. Shinde, APP for State.

Ms. Prabha Badadare i/b Mr. Omkar Nagwekar for Respondent No.2.

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

DATE :- 18 JULY, 2017

P. C. :-

1. Not on board. Upon production, taken on board.
2. Heard the learned Advocate for applicants, the learned Advocate for respondent no.2 and the learned APP.
3. The Criminal Application is filed for quashing MECR No.1 of 2012 registered with Kanjurmarg Police Station for the offences punishable under Sections 381, 406, 407, 420, 467, 468 and 114 of the IPC.

4. Pending investigation, 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 MECR by consent.

5. The respondent no.2 accordingly filed an affidavit dated 12/07/2017. In para 3, he has stated that in view of the amicable settlement between himself and the applicants, he does not wish to pursue the subject criminal case. In para 4, he has stated that he has no objection for quashing the subject MECR.

6. The respondent no.2 is personally present in the Court. On specific query, he states that he has gone through the affidavit as well as the contents of the petition. In the above circumstances, he has no objection to quash the subject MECR. He has also stated that he has given no objection out of his 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

¹ 2014 AIR SCW 2065

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, the Criminal Application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited in 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 Application shall stand dismissed automatically without further reference to the Court.

9. Subject to above, the Criminal Application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)