IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.753 OF 2017

Ketan Vinod Gandhi .... Applicant
versus
State of Maharashtra & Anr. ... Respondents

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- Mr.Sanjay Gidh, Advocate for the Applicant.
- Ms.Prabha Badadare i/b. Kishore Gaikwad, Advocate for Respondent No.2.
- Ms.S.D. Shinde, APP for the State/Respondents.

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

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.

2. The criminal application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Criminal Case No.328/PW/2015 pending on the file of learned Metropolitan Magistrate Railway Mobile Court, at Andheri, Mumbai. The said case arises out of registration of FIR bearing C.R.No.408/14, registered with Oshiwara Police Station,

Mumbai, at the instance of respondent No.2 for the offences punishable u/s 354, 323 of the Indian Penal Code.

3. Pending trial of the subject case, the parties to the application 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 18/07/2017. In paragraph No.5, she has stated that she has no objection for quashing and setting aside the subject criminal case.

4. 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.

5. 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.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the applicant to the **"Maharashtra State Legal Aid Services Authority"**. The applicant 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.

7. Subject to above, the criminal application stands disposed off.

(SARANG V. KOTWAL, J.) **(RANJIT MORE, J.)**