

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

CRIMINAL APPLICATION NO.754 OF 2017

Sanjay Shreegopal Dhelia & Ors.	 Applicants
versus	
The State of Maharashtra & Anr.	... Respondents
.....	

- Ms.Prabha Badadare i/b. Kishore Gaikwad, Advocate for the Applicants.
- Mrs.A.S. Pai, APP for the State/Respondents.
- Mr.Sanjay Gidh, Advocate for Respondent No.2.

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

P.C. :

1. The learned counsel for the applicants seeks leave to amend the prayer clause to correct the number of criminal case. Leave granted. Necessary amendment to be carried out forthwith.
2. Heard the learned counsel for the applicants, respondent No.2 and learned APP.
3. The criminal application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Criminal Case No.313/PW/2015 pending on the file of learned Metropolitan Magistrate Railway Mobile Court, at

Andheri, Mumbai. The said case arises out of FIR bearing C.R.No.407/14, registered with Oshiwara Police Station, Mumbai, at the instance of respondent No.2 for the offences punishable u/s 324, 504, 506 r/w 34 of the Indian Penal Code.

4. 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, he has stated that he has no objection for quashing and setting aside the subject criminal case.
5. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he 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. He also stated that he is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.
6. 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.

7. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the applicants 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.
8. Subject to above, the criminal application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)