

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

**CRIMINAL WRIT PETITION NO.2801 OF 2016**

Bajirao Dattatraya Mungekar ... Petitioner  
Vs.  
The State of Maharashtra,  
Through Nirmal Nagar Police Station & Anr. ... Respondents

Mr. Karan Bhosale, i/by Mr. Akshay Malviya, for the Petitioner.  
Mrs. V.S. Mhaispurkar, A.P.P., for Respondent No.1-State.  
Mr. Prashant S. Thombare for Respondent No.2.

**CORAM : RANJIT MORE &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.J.**

**DATE : 29<sup>TH</sup> NOVEMBER 2017.**

**P.C. :**

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.2 and learned A.P.P. for the Respondent-State.
2. This Petition is filed for quashing and setting aside the proceedings of Criminal Case bearing C.C. No.672/PW/2014, pending on the file of the learned Additional Chief Metropolitan Magistrate, 32<sup>nd</sup> Court at Bandra, Mumbai. The said Criminal Case arises out of registration of M.E.C.R. No.01 of 2013 with Nirmal

Nagar Police Station, at the instance of Respondent No.2, for the offence punishable under Sections 406, 420, 467 and 468 of IPC.

3. Pending trial, the parties have settled their dispute amicably and in terms of the 'Consent Terms' filed in First Appeal No.1188 of 2014, the parties have approached this Court for quashing the subject Criminal Case by consent.

4. Respondent No.2-Original Complainant, accordingly, has filed an affidavit dated 29<sup>th</sup> November 2017, annexing therewith copy of the 'Consent Terms', as referred above, and a copy of the order passed in First Appeal No.1188 of 2014. In paragraph No.7 of the said affidavit, Respondent No.2 has given her no objection to quash the proceedings of Criminal Case bearing C.C. No.672/PW/2014. Respondent No.2 is personally present before the Court and admits that she has read over this Writ Petition and affidavit and understood the contents therein.

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 subject FIR pending, except burdening the Criminal Courts, which are already over-burdened. 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 Writ Petition is allowed in the aforesaid terms, subject to payment of costs of Rs.10,000/- by the Petitioner to the Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The Petitioner shall pay the said costs and produce '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.

7. The petition is disposed of.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**

**[RANJIT MORE, J.]**