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

CRIMINAL WRIT PETITION NO.3557 OF 2017

Joynest Premises Pvt. Ltd. and ors ... Petitioners.

V/s.

The State of Maharashtra and ors ... Respondents

Ms. Pooja Thorat i/by Usha Vishwanathan, for the
Petitioners.

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

Mr. S. G. Deshmukh i/by S.D. Sonawane, for
respondent Nos. 4 and 5.

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

DATE : 6th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel for the petitioner, learned counsel
for respondent Nos. 4 and 5 and learned APP.

2] The petition is filed for quashing and setting aside the
F.I.R. bearing C.R. No.201 of 2017, registered with Chembur Police
Station, at the instance of respondent No.4, for the offence punishable
under Sections 420, 406 read with 34 of the Indian Penal Code and
sections 4, 8, 13, 14 of the Maharashtra Ownership of Flats Rules,
1964.

3] Pending investigation, parties settled their dispute amicably and filed consent terms in Suit No.2204 of 2017 pending before City Civil Court, Mumbai. In paragraph No.13, reference is made to the present petition and respondent No.4, who is complainant, has given consent to quash the subject F.I.R.

4] Respondent No.4, accordingly, filed affidavit dated 6.11.2017. In paragraph No.7 of the affidavit, he has stated that as per undertaking given in the said consent terms, he has received all the post dated cheques and therefore, he has no objection to quash the subject F.I.R.

5] Respondent No.4 is present in the Court. He states that he has gone through the petition, affidavit-in-reply and the consent terms and he understood the contents thereof. He has specifically stated that since dispute is settled, he has no objection to quash the proceeding of subject crime.

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 petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the Petitioners to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. The petitioners 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 petition shall stand dismissed automatically without further reference to the Court.

8] Subject to above, the petition stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]