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

CRIMINAL APPLICATION NO.1072 OF 2017

Ganesh Jagannath Salunkhe and anr ... Applicant

V/s.

The State of Maharashtra and anr ... Respondents

Mr. V. V. Purwant, for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondents.
Mr. Sachin Deokar, for respondent No.2.

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

DATE : 6th NOVEMBER, 2017.

P.C. :

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

2] Application is filed quashing the proceeding in Criminal Case No.2589/PW/16 pending in the Court of Metropolitan Magistrate, 17th Court, Borivali, Mumbai. The said case arises out of F.I.R. bearing No.209 of 205 registered with Kandivali Police Station, Mumbai, at the instance of respondent No.2, for the offence

punishable under Section 354, 324, 504 r/w 34 of the IPC. Pending trial, the parties have settled dispute amicably and approached this Court for quashing the proceeding by consent.

3] Respondent No.2 has filed affidavit dated 13th October, 2017. In paragraph No.3 she has given no objection to quash the proceeding arising out of C.R.No.209 of 2015.

4] It can, thus, be seen that the matter has been amicably settled between the parties. 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.

5] Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- each by both the applicants to the **“Kirtikar Law Library”**. 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.

6]. Subject to above, the criminal application stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]