

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4452 OF 2017

Ashok Prabhakar Pakhare & Anr. ... Petitioners
Vs.
The State of Maharashtra,
Through Versova Police Station,
Andheri, Mumbai & Anr. ... Respondents

Mr. B.K. Barve, a/w. Mr. Santosh Wagh, i/by M/s. B.K. Barve & Co., for the Petitioners.

Mr. K.V. Saste, A.P.P., for Respondent No.1-State.

Mr. J.H. Bhanushali, i/by Mr. V.J. Bhanushali, for Respondent No.2.

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

DATE : 29TH NOVEMBER 2017.

P.C. :

1. Heard learned counsel for the Petitioners, 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 No.1055/PS/2011, pending on the file of the learned Metropolitan Magistrate (Railway Mobile Court),

44th Court at Andheri, Mumbai. The said Criminal Case arises out of registration of F.I.R. No.283 of 2010 registered with the Versova Police Station, Andheri, Mumbai, at the instance of Respondent No.2, for the offence punishable under Sections 509 and 507 of IPC.

3. Pending trial, parties have settled their dispute amicably and in terms of the understanding arrived at between the parties, they have approached this Court for quashing the subject Sessions Case by consent. Respondent No.2-Original Complainant, accordingly, has filed an affidavit dated 31st October 2017. In paragraph Nos.5 and 6 of the said affidavit, Respondent No.2 has given no objection to quash the proceedings of the Criminal Case No.1055/PS/2011. She is personally present before the Court and admits that she has read over the petition and affidavit and understood the contents therein.

4. 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.

5. Accordingly, the Writ Petition is allowed in the aforesaid terms, subject to payment of costs of Rs.5,000/- 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.

6. The petition is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]