

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4494 OF 2017

Seema Rajan Vardhan ... Petitioner
Vs.
The State of Maharashtra,
Through Nagpada Police Station,
Mumbai & Anr. ... Respondents

Mr. J.H. Bhanushali, i/by Mr. V.J. Bhanushali, for the Petitioner.

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

Mr. B.K. Barve, a/w. Mr. Santosh Wagh, i/by M/s. B.K. Barve & Co., 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 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 Special Case SC/ST No.3 of 2012, pending on the file of the learned Additional Sessions Judge, Mumbai. The said Special Case arises out of registration of F.I.R. No.1999 of 2011,

registered with Nagpada Police Station, Mumbai, at the instance of Respondent No.2 for the offence punishable under Section 3(1) (10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

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 7th November 2017. In paragraph Nos.5 and 6 of the said affidavit, Respondent No.2 has given no objection to quash the proceedings of the Special Case SC/ST No.3 of 2012. 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 F.I.R. 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.]