

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1516 OF 2016

Gajendra Dyandeo Shinde.] ... Applicant

Versus

1. State of Maharashtra,]
2. Sau. Sulabha Rajendra Gaikwad.] ... Respondents

Mr. S. S. Chaudhari for Petitioner.

Mr. K. V. Saste, APP for State.

Mr. Kuldeep Nikam for Respondent No.2.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE :- 6 JULY, 2017

P. C. :-

1. Heard the learned Advocate for the petitioner, the learned Advocate for the respondent no.2 and the learned APP.

2. The petition is filed for quashing of the proceedings in RCS No.0402923/2014 pending before the Court of Judicial Magistrate First Class, Pune. The said case arises out of registration of FIR bearing C.R.No.28/2014 registered at Loni Kalbhor Police Station, Pune, at the instance of the respondent no.2, for the offences punishable under Sections 417, 418, 420, 504 and 506 of the IPC.

3. Pending trial of the above criminal case, the parties settled their disputes amicably and in pursuance of the understanding arrived at between them, approached this Court for quashing the subject FIR by consent.

4. The respondent no.2 has filed affidavit dated 03/07/2017. In paragraph no.12 of the said affidavit, she has stated that she do not have any complaint against the present applicant and therefore, the FIR may be quashed.

5. The respondent no.2 is present before the Court. On a specific query, she states that she has gone through affidavit and has fully understood the contents thereof and has no objection if the subject criminal proceeding is quashed. She also states that she is giving no objection out of her free will and without there being any pressure or coercion.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the respective complaints, 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***¹, 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

¹ 2014 AIR SCW 2065

need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

7. In view of the above, the application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.20,000/- (Rupees Twenty Thousand Only) by the applicant to the 'Shanti Avedna Sadan', an institution that takes care of the advanced and terminally ill cancer patients. The applicant shall pay the said costs of Rs.20,000/- 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.

8. Subject to above, the the Criminal Application stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)