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

WRIT PETITION NO. 1524 OF 2018

Dilip Lalchand Porwal & ors.

... Petitioners

Versus

State of Maharashtra & ors.

... Respondents

Mr. Yugmohit Choudhary, i/b Mr. Ajay Basutkar, for the
Petitioners.

Mrs. P. P. Shinde, APP for the State.

Ms. Vinita Hombalkar, for Respondent nos.2 and 3.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, J J.**

DATE : 28th SEPTEMBER, 2018.

P.C.:-

1. Heard the learned Counsel for the petitioners, the
learned Counsel for respondent nos.2 and 3 and the learned
APP.

2. The petition is filed for quashing and setting aside the
Sessions Case No.333 of 2014 pending on the file of the
learned Sessions Judge at Thane. The said case arises out of
registration of FIR bearing C.R. No.I-62 of 2014 with Uttan

Sagari Police Station, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 395, 342 and 114 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. By consent interim award is passed by the sole Arbitrator, copy of which is placed on record at exhibit 'D' page 152. In paragraph 16 thereof, respondent No.2 as well as her father respondent No.3 have filed separate Affidavits and given no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

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 proceedings of the subject criminal case 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 Writ Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the petitioners to TATA Memorial Hospital, Mumbai. 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]