

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

WRIT PETITION NO.1541 of 2018

Mr. Bikamchand S/o. Bawara Sisodia and anr.Petitioners
versus
The State of Maharashtra through
Inspector Incharge, Malad Police Station and anr.Respondents

Mr. Prajot H. Jaggi, advocate for the petitioners.
Ms. Sangeeta Shinde, APP for the State.
Mr. Ashok M. Saraogi, advocate for the respondent No.2.

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

DATE : 16th OCTOBER, 2018.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting-aside the proceedings of criminal case No.2916/PW/2013 pending on the file of learned Metropolitan Magistrate, 24th Court at Borivali, Mumbai. The said case arises out of registration of FIR No.263 of 2013 with Malad Police Station, at the instance of respondent No.2, for the offences punishable under sections 465, 467, 471, 420, 506(II) and 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and have approached this Court for quashing the proceedings of the subject

criminal case by consent. The respondent No.2 has accordingly filed an affidavit dated 14th June, 2018. In paragraph 2 therein, he has given is no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, he specifically state that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he has given no objection for quashing the proceedings of the subject criminal case by consent out of his own 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. 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.

6. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the petitioners (Rs.25000/- by each of the petitioner) to Maharashtra Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the order passed in this writ petition shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the writ petition is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]