

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

**CRIMINAL APPLICATION NO. 987 OF 2018
(Order corrected in pursuance of
the order dated 30th October, 2018)**

Mr. Jagan Shirsat and Anr. .. Applicants
Versus
The State of Maharashtra and Anr. .. Respondents

Mr. S.S. Karmarkar for the Applicants.
Ms. S.D. Shinde, APP for State.
Ms. Rushita Jain I/b Reshma Apte for Respondent No.2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE,JJ
DATE : 26 SEPTEMBER 2018.**

P.C. :-

Heard learned Counsel for the Applicants, Respondent No.2 and the learned APP representing the State.

2. The Application is filed for quashing and setting aside the proceedings of C.C. No. 623/PW/2013 pending on the file of learned Metropolitan Magistrate, 67th Court, Mumbai. The said case arises out of FIR being C.R. No. 367 of 2012 registered with Kurar Police Station at Mumbai, at the instance of Respondent No.2, for offences punishable under Sections 326 and 323 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the application 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.

4. Respondent No.2, has accordingly filed an affidavit dated 10th August, 2018. In paragraph 4, he has stated that he has no objection if the proceedings of the subject criminal case are quashed and set-aside. The Respondent No.2 is personally present before the Court. On being questioned, he specifically state that he has gone through the contents of the Application and affidavit as well and has fully understood the contents thereof. He submits that he is giving no objection for quashing and setting-aside the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

5. 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. 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 Application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/- by the Applicant to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the application shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the application is disposed off.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)