

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4317 OF 2018**

Mukesh ChauhanPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. Mayur V. Faria advocate for the petitioner.
Mr. F. R. Shaikh, APP for the State.
Smt. Sunita Santosh Kamble, respondent No.2 present in person.

**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 writ petition is filed for quashing and setting-aside the FIR No.152 of 2018 with Cuffe Parade Police Station, at the instance of the respondent No.2, for the offences punishable under sections 454 and 380 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition, settled their dispute amicably and have approached this Court for quashing the proceedings of the subject FIR by consent. The respondent No.2 has filed an affidavit dated 21st September, 2018. In paragraph 6, she has given her no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she

specifically state that she has gone through the petition as well as the affidavit and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject FIR out of her 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 (B) subject to payment of costs of Rs.2,000/- by the petitioner to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic

purposes. The petitioner 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 order passed in this criminal 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.]