

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1146 OF 2018

Sandesh Maruti JadhavApplicant
versus
The State of Maharashtra and anr.Respondents

Mr. S. Chopade, advocate for the applicant.
Mr. S. R. Shinde, APP for the State.
Mr. Abhineet Pange, 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 criminal application is filed for quashing and setting-aside the proceedings of criminal case No.3012/PW/2015 pending on the file of learned Magistrate, 9th M.M.Court at Bandra, Mumbai. The said case arises out of registration of FIR bearing CR No.328 of 2015 with Khar Police Station, at the instance of the respondent No.2, for the offences punishable under sections 354, 323, 504, 509 and 171 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the application, 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 filed an affidavit dated 17th September, 2018. In paragraphs 4 and 5, she has given her no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically state that she has gone through the application as well as the affidavit and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the proceedings of the subject criminal case 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 criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the applicant to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The applicant 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 application shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the criminal application is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]