

Sunil Ambadas Surwse and anr .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

Mr. Parmeshwar A. Bhise for the petitioners.
Mr. Shivaji Kunchge for respondent no.2.
Mr. Deepak Thakare, P.P for the State.

DATED : 2nd JULY 2019

1 Learned counsel for the petitioner seeks leave to
amend the prayer clause so as to give particulars of the criminal
case number. Leave granted. Necessary amendment be carried
out forthwith.

2 Heard learned counsel for the petitioners, learned
2 counsel for respondent no.2 and learned APP for the State.

3 Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Special (SCST) Case No. 61 of 2015 pending before the Addl. Sessions Judge-4, Solapur. The said case arises out of registration of FIR No.116 of 2015 registered with Kurduwadi

Tilak

Police Station, District Solapur at the instance of respondent No.2, for the offences punishable under Section 3(1)(10) of the Scheduled Caste and Scheduled Tribes Act and Section 7(1)(5) of the Protection of Civil Rights Act, 1955 and Sections 323, 504, 506 and 34 of the Indian Penal Code, 1860.

4 Pending trial, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 1st July 2019. In paragraph no.5, he has given his no objection for quashing the proceedings of the subject Special case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He further confirm that he is giving no objection for quashing the proceedings of the subject Special case on his own 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 costs of Rs.5000/- by the applicant to the **“Yashodhan Charitable Trust”** (having Registration No.1895/Satara, Maharashtra, Account No. 60245873355 IFSC Code MAHB000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. 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 criminal application shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

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

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)