

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.664 OF 2019**

Rahul Sadashiv Garje

.....Applicant

versus

The State of Maharashtra and ors.

.....Respondents

Mr. S. T. Bhosale, advocate for the applicant.

Mrs. A. S. Pai, APP for the State.

Mr. B. A. Lawate, advocate for respondent Nos.2 and 3.

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

DATE : 12th JUNE, 2019.

P. C. :

1. The learned counsel for the applicant, at the outset, seeks leave to amend the application so as to give the particulars of the criminal case. Since the application is at the admission stage, leave as prayed for, is granted. Necessary amendment be carried out forthwith.

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

3. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of R.C.C.No.152/2016 pending on the file of learned JMFC at Barshi. The said case arises out of registration of FIR bearing C.R.No.87 of 2016 with

Pangari Police Station, Tal. Barshi, District. Solapur, at the instance of respondent No.2, for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 337 and 504 of the Indian Penal Code, 1860, read with Section 135 of the Bombay Police Act.

4. Pending trial, the parties to the application settled their dispute amicably with the intervention of elders and well-wishers 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. Respondent No.2 as well as the injured person – respondent No.3 have filed separate affidavits dated 29th and 30th May, 2019 respectively. The respondent No.2 in paragraph 9 and respondent No.3 in paragraph 4 of their respective affidavits, have given their no objection for quashing the proceedings of the subject criminal case. Respondent Nos.2 and 3 are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and their respective affidavits as well and have fully understood the contents thereof. They further confirmed that they have given no objection for quashing the proceedings of the subject criminal case on their 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 (b) subject to payment of costs of Rs.10000/- 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 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 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.]