

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.428 of 2019**

Mr. Santosh Chhabinath Sharma and ors.	Petitioners
versus	
State of Maharashtra and anr.	Respondents

Mr. Sandeep D. Sherkhane, advocate for the petitioners.
Mr. Deepak Thakare, PP along with Mr. K. V. Saste, APP for the State.
Mr. Prathamesh Samant, advocate for respondent No.2.

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

DATE : 29th MARCH, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing the proceedings of RCC No.1432 of 2018 pending on the file of learned JMFC, 5th Court at Bhiwandi. The said case arises out of registration of FIR No. I 321 of 2018 with Narpoli Police Station, Bhiwandi, at the instance of respondent No.2, for the offences punishable under Sections 407 and 408 read with Section 34 the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 27th March, 2019. In paragraph 4, thereof, he has given his no objection for quashing the proceedings of the subject criminal 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 confirmed that he is giving no objection for quashing the proceedings of the subject criminal case on his 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. 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.

5. Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- by the petitioners to **"Tata Memorial Hospital"** an institution that takes care of the advanced and terminally ill cancer patients and thereafter produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition 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 writ petition stands disposed of.

8. At this stage, learned counsel for respondent No.2 – complainant submitted that in pursuance of the registration of the subject crime, respondent No.2's goods were seized by Narpoli Police Station, Bhiwandi. This fact is not disputed by learned APP and since, we have quashed the proceedings of the subject criminal case, respondent No.2 is at liberty to apply to Narpoli Police Station, Bhiwandi for return of the said goods. In the event, such an application is made, Narpoli Police Station shall return the said goods to respondent No.2 as expeditiously as possible and within a period of 3 days from the receipt of such application.

8. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]