

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 520 OF 2017

1. Mahesh Chauhan

& Ors.

.. Petitioners

Vs.

1. State of Maharashtra

& Ors.

.. Respondents

Ms.Saroj Jadhav I/b M.A. Ingale for petitioners.

Mr.F.R. Shaikh, APP for respondent No.1-State.

Mr.Jayesh Mistry for respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 11TH SEPTEMBER 2019

P.C.

1. Heard the learned counsel for the petitioners, the learned counsel for the respondent No.2 and the learned APP for the respondent No.1-State.

2. The petition is filed for quashing and setting aside the First Information Report bearing C.R. No.561/2016 at the instance of the respondent No.2 with Samta Nagar Police Station, Mumbai for the offences punishable under sections 452, 354, 323, 504, 506, 427 read with 34 of IPC.

3. Pending investigation, parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have

approached this Court for quashing the subject criminal case by consent. The respondent No.2 is personally present in Court. The respondent No.2 has filed an affidavit dated 27th August 2019. In paragraphs 5 and 6, the respondent No.2 has given no objection for quashing the proceedings of the subject criminal case and also confirmed that she has affirmed the affidavit on her own free will and without any fear 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*¹, 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.5,000/- by the to the “**Yashodhan Charitable Trust**” (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB000305) an institution that

1 2014 AIR SCW 2065

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 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*.

6. Subject to above, the criminal writ petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]