

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.561 of 2019

Razuddin Somoonalali Chauhan and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Ms. Tahera A. R. Qureshi, advocate for the petitioners.
Ms. S. D. Shinde, APP for the State.
Mr. Khalid, M. I. Ansari, advocate for the respondent No.2.

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

DATE : 27th MARCH, 2019.

P. C. :

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

2. The petition is filed for quashing and setting aside the criminal case No.80/PW/2019 pending on the file of the learned Metropolitan Magistrate, 25th Court at Mazgaon, Sewri. The said case arises out of registration of FIR bearing C.R. No.21 of 2017 with Byculla Police Station, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioners are the step-sons of respondent No.2. Dispute arose between the parties after the death of the husband of respondent No.2 and father of the petitioners, which resulted in registration of the subject FIR. Pending trial, the parties settled their dispute amicably and executed family arrangement agreement dated 25th October, 2018. Under the said agreement, respondent No.2 is given residential premises viz. Room No.5, Tariya House, Naya Nagar, Near Dockyard Road Station, Mazgaon, Mumbai – 400 010. In addition to this residential premises, the petitioners also agreed to give to respondent No.2 an amount of Rs.14,50,000/-, out of which, an amount of Rs.2,50,000/- is already given to respondent No.2 and balance amount of Rs.12,00,000/- would be given to her within a period of four months from the date of quashing the proceedings. A copy of the said family arrangement agreement dated 25th October, 2018, is annexed at “Exhibit-B”. We accept the undertaking given by the respective parties in the said agreement.

4. In pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has, accordingly, filed a separate affidavit dated 12th February, 2019, wherein she has reiterated whatever that has been stated

hereinabove. In addition to this, in paragraph 9 thereof, she has also given her no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has 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.

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 proceedings of the subject criminal case 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 writ petition is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- (Rs.5,000/- to be paid

by each of the petitioner) to **“Tata Memorial Hospital”** an institution that takes care of 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 order quashing the criminal proceedings shall be treated as non-est.

7. Subject to above, the writ petition is disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]