

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 659 of 2018**

Mr. Peter Pasku TuloPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. Ashley Cusher, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Syed Asif Abbas Naqvi, advocate for the respondent No.2.

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

DATE : 4th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing the proceedings of RCC No.1106 pending on the file of learned JMFC, 3rd Court at Vasai, District Palghar. The said case arises out of registration of FIR bearing CR No.117 of 2017 with Manikpur Police Station, at the instance of respondent No.2, for the offences punishable under Sections 420, 409 and 406 of 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, they have approached this Court for quashing the proceedings of

the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 12th February, 2019. In paragraph 5 thereof, he has given his no objection for quashing the proceedings of the subject criminal case. Along with respondent No.2 aggrieved persons viz. Wasim Amanulla Mulla, [Alisha@Rubeena](#) Amanulla Mulla and Mrs. Suraiya Amanulla Mulla have filed a joint affidavit dated 23rd March, 2019 and Mrs. Kavita Sandeep Malavade, wife of Sandeep, has filed an affidavit dated 18th March, 2019. By filing these affidavits, the injured/aggrieved persons have also given their 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 (a) subject to payment of costs of Rs.20,000/- by the petitioner 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 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 writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]