

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI APPLICATION NO. 340 OF 2017

Mahesh Bhanudas Gole ...Applicant.

Versus

The State of Maharashtra & ors. ...Respondents

Mr. Satyaprakash Sharma I/b Mr. P. G. Sawant, for the
Applicant.

Ms. Sangita Shinde, APP for the State/Respondent no.1.

Mr. Vijay Gaikwad, for Respondent no.3.

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

DATED: 19th AUGUST, 2019

PC:-

1. The applicant at the outset seeks leave to amend the prayer Clause (a) of the application.

Leave granted. Amendment be carried out forthwith.

2. Heard Mr. Sharma, the learned Counsel for the applicant, Ms. Shinde, the learned APP for the State and Mr. Gaikwad, the learned Counsel for respondent no.3.

3. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing criminal proceeding being C.C. No.199/PW/2019 pending on the file of the Addl. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. The said case arises out of registration of the FIR

being CR No.105 of 2016 registered with Cyber Police Station, Mumbai, for the offences punishable under Sections 354-D, 509 of Indian Penal Code and Section 66/D of the Information Technology Act.

4. Pending trial, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject criminal case by consent. Respondent no.3 has filed an affidavit dated 5th April, 2019. In paragraphs 5, she has given no objection for quashing and setting-aside the subject FIR and criminal proceeding being C.C. No.199/PW/ of 2019 pending on the file of the Addl. Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. Respondent No.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing the proceedings of the subject criminal case on 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**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.

6. Accordingly, the application is allowed in terms of prayer Clause (a) subject to payment of costs of Rs.10,000/- by the applicants 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 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*.

1 2014 AIR (SCW) 2065

7. Subject to above, the criminal application stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]