

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.325 OF 2019**

Mr. Abhishek Vithal Kajare and anr.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Vinaya G. Padwal, advocate for the applicants.
Mr. Deepak Thakare, PP along with Mrs. A. S. Pai, APP for the State.
Mr. Kunal D. Abmulkar, advocate for respondent No.2.

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

DATE : 12th JUNE, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.730/PW/2017 pending on the file of learned JMFC, Borivali. The said case arises out of registration of FIR bearing C.R.No.610 of 2016 with Borivali Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 323, 354, 509, 504, 506 and 34 of the Indian Penal Code, 1860.
3. Pending trial, the parties to the application 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 as well as the

aggrieved persons viz. Sandeep Vasant Sakpal, Vasant Baburao Sakpal and Mrs. Smita Rohit Virnodkar have filed separate affidavits dated 5th March and 22nd April, 2019 respectively, wherein they have given their no objection for quashing the proceedings of the subject criminal case. Respondent No.2 as well as the aggrieved persons are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and their respective affidavits as well and have fully understood the contents thereof. They further confirmed that they have given no objection for quashing the proceedings of the subject criminal case on their 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the applicant 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 criminal application 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 application stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]