

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1497 OF 2019**

Nek Shreekishan Puri	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Roshan S. Tanna, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. A. H. Ponda I/b. Mr. S. Venkateshwar, advocate for respondent No.2.

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

DATE : 10th APRIL, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing the proceedings of criminal case No. PW/1511 of 2018 pending on the file of learned Metropolitan Magistrate at Kurla. The said case arises out of registration of FIR bearing CR No.12 of 2018 with Govandi Police Station, at the instance of respondent No.2, for the offences punishable under Sections 465, 467, 468, 471, 406 and 420 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, have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 1st April, 2019. In paragraphs 3 and 4, following averments are made:

"3. Subsequently, all disputes with respect to the suit property came to be settled between me, the Petitioner and his family. Accordingly, on 28th February 2019 consent terms were executed between me, the Petitioner and his family in the aforesaid Suit No.1036 of 2018 and Suit No.1381 of 2018. This Hon'ble Court, on its Original Side, by an Order, also dated 28th February 2019 was pleased to take the Consent Terms on record, accept undertakings between the parties and decreed the suit in terms of the Consent Terms. A copy thereof is annexed to the present Petition.

4. I say that in terms of Clauses 14, 16 and 18 of the aforesaid Consent Terms and in view of the lawful settlement arrived at between the parties with respect to all the disputes I unconditionally withdraw all allegations, statements and contentions made by me against the Petitioner in all proceedings including the impugned FIR and chargesheet. I am therefore executing the present Affidavit conveying my express and free consent to the quashing of the impugned FIR and chargesheet."

In paragraph 8 thereof, Respondent No.2 has given his 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 (b) subject to payment of costs of Rs.10,000/- by the petitioner to **“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.]