

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.400 OF 2019

Mr. Ajay Babulal ChhabriaApplicant
Versus
The State of Maharashtra & Anr.Respondents

Mr. Dharmendra Rohra, Advocate for the Applicant.
Mr. A.D. Kamkhedkar, APP for the Respondent-State.
Mr. Vijay M. Vaghela, Advocate for Respondent No.2

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

DATE : 5th AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The application is filed for quashing and setting aside the proceedings of C.C.No.1435/PW/2005 pending on the file of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. The said case arises out of registration of FIR bearing M.E.C.R.No.03 of 2004 with Kherwadi Police Station, Mumbai, at the instance of Respondent No.2, for the offences punishable under Sections 465, 467, 471, 474, 199, 200, 420 read with 34 of the Indian Penal Code, 1860.
3. The present applicant is Accused No.2 in the said FIR. During trial of the subject criminal case, Accused No.1 Babulal Amarchand

Chhabria is expired, and therefore, present application is filed by Accused No.2.

4. Pending trial, the applicant and Respondent No.2 settled their disputes amicably and accordingly, have filed Consent Terms dated 04.03.2019 in First Appeal No.1219 of 2011 along with First Appeal No.1227 of 2011, a copy of which is annexed at "Exhibit B", Page 54. In addition to this, Respondent No.2 has also filed separate affidavit dated 12.06.2019. In Paragraph 3, he has given his no objection for quashing the proceedings of the subject criminal case. The applicant and Respondent No.2 are personally present before the Court. On being questioned, they specifically stated that they have gone through the application and consent terms and have fully understood the contents thereof. Respondent No.2 further confirmed that he is giving no objection for quashing the proceedings of the subject criminal case on their 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 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.10000/- 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*.

7. Subject to above, the application is disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]