

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1933 of 2019

Sadiq Sattar Solanki and ors.Petitioners

versus

The State of Maharashtra and ors.Respondents

Ms. Snehankita M. Munj along with Mr. Vinay Khandelwal I/b.
Mr. Jatin P. Shah, advocate for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Mr. Chandansingh Shekhawat I/b. Parinam Law Ass, advocates for te
respondent No.2.

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

DATE : 15th APRIL, 2019.

P. C. :

Mentioned for production. Taken up on production board in view of urgency.

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

3. The petition is filed for quashing and setting aside the proceedings of criminal case No.1342/PS/2018 pending on the file of the learned Additional Chief Metropolitan Magistrate, 40th Court at Girgaon, Mumbai. The said case arises out of registration of FIR bearing C.R. No.60 of 2018 with Malabar Hill Police Station, at the instance of the

respondent No.3 against the petitioners for the offences punishable under Sections 288, 336 and 427 read with Section 34 of the Indian Penal Code, 1860.

4. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.3 has, accordingly, filed an affidavit dated 5th April, 2019. In paragraph 11 thereof, he has given his no objection for quashing the proceedings of the subject criminal case. Respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the proceedings of the subject criminal case out of his 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 proceedings of the subject criminal case 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 proceeding of criminal case No. 1342/PS/2018 pending on the file of the learned Additional Chief Metropolitan Magistrate, 40th Court at Girgaon, Mumbai and arising out registration of FIR bearing C.R. No.60 of 2018 with Malabar Hill Police Station is quashed and set-aside subject to payment of costs of 15,000/- by the petitioners to **“Tata Memorial Hospital”** an institution that takes care of advanced and terminally ill cancer patients and, thereafter, 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 order quashing the criminal proceedings shall be treated as non-est.

7. Subject to above, the writ petition is disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]