

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2488 OF 2019

Rabaanne Parag Jamsandekar & Ors.

.....Petitioners

Versus

The State of Maharashtra & Anr.

.....Respondents

Mr. Nina Muzumdar, Advocate for the Petitioners.

Mr. F.R. Shaikh, APP for the Respondent-State.

Mr. A.R. Iyer i/b. Mr. Ashish S. Chavan, Advocate for the Respondent No.2.

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

DATE : 8th AUGUST, 2019.

P. C. :

1. The petitioners have approached this Court for quashing and setting aside the CR No.418 of 2016 registered at the instance of Respondent No.2 for offences punishable under Sections 354, 506, 509 read with Section 34 of the Indian Penal Code, 1860.

2. We have perused the said FIR, where it is alleged by the Respondent No.2 that she was pushed by the petitioners and on the basis of the said statement, an offence punishable under Section 354 of the Indian Penal Code, 1860 has been registered.

3. Pending investigation, the parties to the petition settled their

dispute amicably and accordingly, Respondent No.2 has tendered an affidavit dated 30th April, 2019 before us. She has stated in the said petition that she is acquainted with the Petitioner No.1 from last sixteen years from college days and considering the friendly relationship between them, they have decided to settle the disputes between themselves and she also makes a categorical statement that the Petitioner No.1 did not intentionally touch her or outrage her modesty and on the basis of misunderstandings against each other, the FIR is registered.

4. We have perused the affidavit filed by her on 30th April, 2019. In the said affidavit, she has made a categorical statement in Paragraph (d) that she has no objection if the CR No.418 of 2016 registered against the petitioners is quashed and set aside. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject CR out of 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 [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 writ petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- by each of the petitioner 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 petitioners 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*.

7. Subject to above, the criminal writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]