

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2129 OF 2016

Commander Kamaljeet Singh
Bhatti (Retired) & Ors.

.. Petitioners

Vs.

State of Maharashtra
& Anr.

.. Respondents

WITH

CRIMINAL WRIT PETITION NO. 2146 OF 2016

Mr. Ghara Singh (Retired)
& Anr.

.. Petitioners

Vs.

State of Maharashtra
& Anr.

.. Respondents

Mr.Mohd. Shine i/b S.S. Bijlani for petitioners in WP/2129/2016.

Mr.Manish Rai for petitioner in WP/2146/2016.

Mr.F.R. Shaikh, APP for respondent No.1-State.

Mr.Kaushik Jayant a/w. Ms. Antra Jayant, Mr. Nilesh Mandavkar, Mr. Rajye Jain i/b Kanishk Jayant for respondent No.2 in WP/2129/2016 and WP/2146/2016.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 9TH OCTOBER 2019

P.C.

1. Not on board. Mentioned, in view of urgency. Taken on production board.

2. Heard the learned counsel for the respective parties in both petitions.

3. The subject first information report bearing C.R. No. II-15/2016, dated 18-05-2016 on the complaint of the respondent No.2 (in both petitions) for the offences punishable under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with section 7 of the Protection of Civil Rights Act, 1955. The petitioners in Writ Petition No.2146 of 2016, are the original accused Nos.1 and 2 in the subject crime and the petitioners in Writ Petition No.2129 of 2016 are the original accused Nos.3, 4, 5, 6 and 7 in the subject crime.

4. Pending investigation of the subject crime, the parties have settled their dispute amicably and accordingly the complainant-respondent No.2 has submitted consent terms before the Civil Judge, Senior Division-Panvel in Hindu Marriage Petition No.297 of 2015. The copy of the consent terms presented before the Court. Clause (4) of the consent terms reads as under :-

“4 The petitioner Husband has agreed to give his consent for quashing of FIR filed by him bearing No. II-15/2016 dated 18th May 2016 u/s 3(1)(10) of Atrocities Act, 1989 and section 7(1)(5) of Protection of Civil Rights Act, 1955 with CBD Police Station, Navi Mumbai against the father of the Respondent i.e., Gharasingh Chahal, Gurmit Kaur, Gurbax Singh, Hardeep Singh Anjan, Mehersingh Randhava, K.J.S. Bhatti, Gurinderjit Saini. The Petitioner-husband is agreed to give his consent and/or file an affidavit to that effect in Writ Petition bearing No. 2146 of 2016 and Writ Petition bearing No. 2129 of 2016 filed in respect of said FIR bearing No.II-15/2016.”

5. In view of the above understanding, the parties have approached this Court for quashing the subject crime. The respondent No.2 has filed a common affidavit dated 9th October 2019 in both Writ Petitions, i.e., Writ Petition No.2146 of 2016 and Writ Petition No. 2129 of 2016 and in paragraph 6 thereof, has given consent to the withdrawal of all the charges levelled in the subject crime. The respondent No.2 is personally present in Court and on specific query by this Court, confirmed that he has no objection to quash the subject FIR.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaints, 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*¹, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. Accordingly, both petitions are allowed in terms of prayer clause (a), respectively. However, at the same time, costs need to be saddled on the petitioners for using the police and judicial machinery for settling their personal disputes. In view of this, the petitioners in Writ Petition No. 2146 of 2016 and Writ Petition No. 2129 of 2016 to pay a sum of Rs.10,000/- as costs in each petition. The total amount of Rs.20,000/- to be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advanced stage and/or terminally ill due to cancer. For the quashment to take effect, the petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petitions shall stand dismissed automatically without further reference

1 2014 AIR SCW 2065

to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

8. Subject to above, the writ petitions stand disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]