

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2812 of 2019**

Don Eric Lopez and ors.	Petitioners
versus	
State of Maharashtra and anr.	Respondents

Mr. S. P. Borade, advocate for the petitioners.
Dr. F. R. Shaikh, APP for the State.
Mr. S. S. Karmarkar, advocate for respondent No.2.

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

DATE : 7th OCTOBER, 2019.

P. C. :

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

2. The petition is filed for quashing and setting aside the proceedings of criminal case No.1509/PW/2014 pending on the file of the learned Metropolitan Magistrate, 68th Court at Borivali, Mumbai. The said case arises out of registration of FIR No.317 of 2013 with Bangur Nagar Police Station, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 325 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has, accordingly, filed an affidavit dated 24th July, 2019. In paragraph 4 thereof, he has also 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 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.

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 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- 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.

6. Subject to above, the writ petition is disposed off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]