

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2818 OF 2019**

Vijendra Kumar Rai	Petitioner
versus	
State of Maharashtra and Ors.	Respondents

Mr. Vijendra Kumar Rai, Petitioner in-person.
Mr. K.V. Saste, APP for the State.
Mr. S.P. Kadam I/b P.P. Raul, for Respondent No.2.

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

DATE : 26th September, 2019.

P. C. :

Not on board. Taken on board.

The petitioner in-person, at the outset, seeks leave to amend the cause title of the petition so as to implead the complainant as party-respondent. Leave granted. Necessary amendment be carried out forthwith.

2. Heard petitioner in-person, learned counsel for the respondent/complainant and learned APP.

3. By this petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the petitioner has prayed for quashing and setting aside the proceedings of criminal case

bearing CC No.1508/PW/2015 pending on the file of learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case has arisen from registration of FIR bearing C.R. No. 37 of 2015 with Jogeshwari Police Station, at the instance of respondent No.3-A Complainant, against the petitioners for the offences punishable under Sections 354 and 451 of the Indian Penal Code, 1860.

4. Learned counsel appearing for the respective parties submitted that pending trial, the parties settled their dispute amicably and in pursuance of the understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. The first informant- respondent No.3A has, accordingly, filed a separate affidavit dated 27th June, 2019 wherein in paragraph 1,2,3 and 4 she has made following averments.

- “ 1. I state that I am the first informant in C.R.No. 37 of 2015 registered with Jogeshwari Police Station u/s. 451, 354 I.P.C. The Applicant hereinabove is the sole accused in the above complaint. He has filed the said petition seeking to quash the complaint filed by me and the proceedings arising thereto.
2. The Applicant herein has lodged a criminal complaint against my husband Shri Madhukar Patil and my son Vinayak Patil. The said offence is

registered vide C.R. No. 39 of 2015 with same police Station.

3. At the same time the Applicant herein has agreed to give consent for quashing of criminal complaint filed by him against my husband and my son. Considering the said consent the parties have decided to settle all the disputes between the parties amicably. Towards compensation to Mr. Vijendra Rai, I am handing over a D.D. of Rs.5,00,000/- in his favour, dated. 31/08/2019.
4. I further state that considering the consent given by Applicant for quashing of criminal complaint filed against my husband and my son, I have decided to give consent for quashing of my complaint against the Applicant. Hence, I hereby give my consent to quash the proceedings and the F.I.R. registered with Jogeshwari Police Station vide C.R. No. 37 of 2015, I have no objection of the criminal Application No. 2818 of 2019 filed by Applicant be allowed on the basis of my consent to quash the same."

5. Respondent No.3A-Original complainant is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the proceedings of the subject criminal case out of her own free will and without there being any pressure or coercion.

6. 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.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]