

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 664 OF 2018**

Eric Nathan Pillai	Applicant
versus	
The State of Maharashtra	Respondents

Ms. Alisha Pinto, advocate for the applicant.
Mr. S. R. Shinde, APP for the State.
Mr. B. R. Bharucha, advocate for respondent No.2.

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

DATE : 15th OCTOBER, 2019.

P. C. :

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

2. The application is filed for quashing and setting aside the criminal case No.1232/PW/2016 pending on the file of the learned Metropolitan Magistrate, 66th Court at Andheri, Mumbai. The said case arises out of registration of FIR bearing C.R. No.317 of 2015 with Amboli Police Station, at the instance of the respondent No.2 against the applicant, for the offences punishable under Sections 406, 354(D) and 506 of the Indian Penal Code, 1860.

3. 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.2 has, accordingly, filed an affidavit dated 27th August, 2019. In paragraph 6 thereof, she has also given her no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application 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.

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 criminal application is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- by the applicant 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 criminal application 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 criminal application is disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]