

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 673 OF 2019**

Mr. Shravan Vasant Mahapadi	Applicant
versus	
State of Maharashtra and anr.	Respondents

Mr. Akhilesh Chaubey i/b. AVC & Associates, advocate for the applicant.
Mr. C. V. Yadav, advocate for respondent No.2.
Mr. S. R. Shinde, APP for the State.

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

DATE : 5th SEPTEMBER, 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.709/PW/2019 pending on the file of the learned Metropolitan Magistrate, 17th Court at Borivali, Mumbai.. The said case arises out of registration of FIR bearing C.R. No.I-689 of 2018 with Samata Nagar Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 324 and 504 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. Respondent No.2 has, accordingly, filed an affidavit dated 21st August, 2019. In paragraph 5 thereof, he has 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 application 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 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 off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]