

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2787 OF 2018**

Mr. Kamal Narwani and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Abad H. Ponda I/b. Mr. S. Venkateshwar, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Roshan S. Tanna, advocate for respondent No.2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 10th APRIL, 2019.

P. C. :

Mr. Ponda, learned counsel for the petitioners, at the outset, seeks leave to amend the petition so as to implead Rakesh Ravindra Gangurde as petitioner No.3. Since the proposed petitioner No.3 is an accused in the subject crime, leave as prayed for, is granted. Further leave is also claimed to amend the prayer clause of the petition so as to give particulars of the criminal case. Since the amendment is necessitated by occurrence of the events subsequent to the filing of the petition, leave as prayed for, is granted. Necessary amendments be carried out forthwith.

2. The petition is filed for quashing the proceedings of criminal

case No. 2087/PW/2018 pending on the file of learned Metropolitan Magistrate at Kurla. The said case arises out of registration of FIR bearing CR No.104 of 2018 with Govandi Police Station. Initially the said FIR was registered at the instance of respondent No.2 alleging commission of offences under Sections 395, 354, 141,143,147, 149, 509, 506(2), 323 and 504 of the Indian Penal Code, 1860. After completion of investigation, however, charge-sheet is filed alleging offences under Section 354, 427, 509, 506(2), 323 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 17th March, 2019. In paragraph 9 thereof, she has 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 petition and the affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing the proceedings of the subject criminal case on 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 criminal proceedings 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 proceedings of the criminal case No. 2087/PW/2018 pending on the file of learned Metropolitan Magistrate at Kurla and arising out of registration of FIR bearing CR No.104 of 2018 with Govandi Police Station are quashed and set-aside subject to payment of costs of Rs.10,000/- by the petitioners to the **“Yashodhan Charitable Trust”** (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The petitioners shall pay the said costs and 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 the order quashing the criminal proceedings shall be treated as *non-est*.

6. Subject to above, the writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]