

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 723 OF 2019**

Madhukar Kedari Patil and Anr.Applicants
versus
The State of Maharashtra and Anr.Respondents

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

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

DATE : 26th September, 2019.

P. C. :

Heard learned counsel for the petitioner, learned APP for the State. We have also heard Mr. Vijendra Kumar Rai-Respondent No.2 in person.

2. By this application filed under Section 482 of the Code of Criminal Procedure, 1973, the applicant has prayed for quashing and setting aside the proceedings of criminal case bearing CC No.1581/PW/2015 pending on the file of learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case has arisen from FIR bearing C.R. No. 39 of 2015 registered with Jogeshwari Police Station, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 324, 341, 380 and 454 read with

Section 34 of the Indian Penal Code, 1860.

3. Learned counsel appearing for the respective parties and respondent no.2 in person submitted that pending trial, the parties have 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. Respondent No.2 has, accordingly, filed a separate affidavit dated 23rd September, 2019 wherein in paragraphs 3, 4, 5 and 6 thereof, he has given his no objection for quashing the proceedings of subject criminal case. Respondent No.2 is personally present before the Court. We have heard respondent no. 2 in-person. On being questioned, he specifically stated that he has gone through the application and 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 application is allowed in terms of prayer clause (b) 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 application 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.]