

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 788 OF 2019

Ashok Daulatram Khemlani

.. Applicant

Vs.

The State of Maharashtra
& Anr.

.. Respondents

Mr.Hrishikesh Mundargi i/b Mr.S.H. Nimbalkar for applicant.

Mr.F.R. Shaikh, APP for State.

Mr.Anshul Anil Sontakke for respondent No.2.

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

DATE : 14TH AUGUST 2019

P.C.

1 Shri Mundargi, the learned counsel for the applicant, at the outset, seeks leave to amend the prayer clause to give particulars of criminal case.

2 Leave granted. Necessary amendment be carried out forthwith.

3 Heard the learned counsel for the applicant, the learned counsel for the respondent No.2 and the learned APP for the State.

4 The petition is filed for quashing and setting aside the proceedings of Criminal Case No.335 of 2018 pending on the file of 5th Addl. Chief Metropolitan Magistrate, Dadar, Mumbai. The said case arises out of registration of the First Information Report bearing C.R. No.335/2016 at the instance of the respondent No.2 with Shivaji Park Police Station for the

offences punishable under sections 354-A and 509 of the Indian Penal Code, 1860 (IPC).

5 Pending trial, parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have approached this Court for quashing the subject criminal case by consent. The respondent No.2 is personally present in Court. The respondent No.2 has filed an affidavit dated 27th June 2019. In paragraph 3, the respondent No.2 has 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.

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*¹, 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.

1 2014 AIR SCW 2065

7 Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- by the applicant 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 applicant 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 criminal application shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

8 Subject to above, the criminal application stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]