

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 797 OF 2019**

Kiran Sheth and anr.	Applicants
versus	
Dimple Nishith Sheth @ Dimple Rameshwar Nagi	
and anr.	Respondents

Ms. Jindagi Shah along with Mr. Zubair Jahangir, advocates for the applicants.

Mr. Adiya Andhorikar i/b. Mr. J. V. Thakker, advocate for respondent No.1.

Mr. S. R. Shinde, APP for the State.

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

DATE : 20th AUGUST, 2019.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of RCC No.1499 of 2014 pending on the file of learned Magistrate Court at Belapur, Thane. The said case arises out FIR bearing M-No.4 of 2014 registered with Vashi Police Station, Navi Mumbai, at the instance of respondent No.1, for the offences punishable under Sections 420, 467, 468, 471, 477, 181 and 182 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.2 and respondent No.1 are husband and wife. Applicant No.1 is the father-in-law of respondent No.1. Matrimonial dispute between the parties gave rise to filing of several civil as well as criminal proceedings and the subject criminal case is one of them. The parties, however, with the intervention of their elders and well-wishers settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject criminal case by consent. Respondent No.1 has also filed an affidavit dated 12th August, 2019. In paragraph 4, she has given her no objection for quashing the proceedings of the subject criminal case. Respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she has given 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 **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]** and **B.S.Joshi versus State of Haryana AIR 2003 SC 1386, ,** 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20000/- by the applicants 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 applicants 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*.

6. Subject to above, the criminal application stands disposed off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]