

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3221 of 2018**

Yashwant Chunilal Mody and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Girish Kulkarni i/b. Sutapa Saha, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. Prasad Borkar along with Mr. Manan Jaiswal and Mr. Aditya anjrekar
i/b. MLS Vani and Associates, advocates for respondent No.2.

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

DATE : 4th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing the proceedings of criminal complaint No.2988/PW/2012 pending on the file of learned Metropolitan Magistrate, 68th Court at Borivali, Mumbai. The said case arises out of MECR No.04 of 2009 registered with Kasturba Marg Police Station, at the instance of respondent No.2, for the offences punishable under Sections 465, 466, 467, 468, 471, 420 and 120(B) read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, accordingly, they have filed consent terms in suit No.2685 of 2009 filed in this Court. This Court disposed of the said suit in terms of the consent terms on 3rd May, 2018. In pursuance of an understanding arrived at between the parties in the said consent terms, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 19th July, 2018. In paragraph 3, 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 petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceedings of the subject criminal case on 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 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 petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25000/- by the petitioners to the **"Anandwan"** (payable in favour of "MAHAROGI SEWA SAMITI, WARORA") an institution which espouses the cause of socially disadvantaged people by enhancing their livelihood capabilities through self discovery and empowering them to contribute to the Society. The petitioners shall pay the said cost and thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court.

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

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]