

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

CRIMINAL WRIT PETITION NO. 3968 OF 2019

Dharmendra Paraschand Jain

.....Petitioner

versus

The State of Maharashtra and Ors.

.....Respondents

Mr. L.R. Odhekar, for the Petitioner.

Mr. Deepak Thakare, PP a/w Mrs. A.S. Pai, APP for Respondent-State.

Mr. K.U. Nikam, for Respondent no.2.

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

DATE : 13th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceeding of criminal proceeding bearing Regular Criminal Case No.339 of 2014 pending on the file of Judicial Magistrate,

First Class, Miraj. The said case arises out of FIR bearing CR No. 42 of 2014 registered with MIDC Kupwad Police Station, at the instance of respondent No.2, for the offences punishable under Sections 406 and 408 of the Indian Penal Code, 1860. After filing of the charge-sheet, petitioner has filed discharge application before the trial Court in which the petitioner is discharged from the offence punishable under Section 408 of the Indian Penal Code.

3. Learned counsel appearing for the respective parties submitted that pending trial, the parties settled their disputes amicably before the Arbitrator. The copy of consent terms which is annexed at Exh. C, page 30 of the petition. The consent terms are signed by the petitioner and respondents. They further submitted that in terms of the understanding arrived between the parties, they have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case, by consent. Accordingly, respondent no.2 for himself and on behalf of respondent no.1 has filed an affidavit dated 22nd August, 2019. In paragraph 6, he has given no objection for quashing and setting-aside the subject criminal case against the petitioner.

4. 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.

5. 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.

6. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10000/- by

the petitioner 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 petitioner 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 petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]