

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

CRIMINAL WRIT PETITION NO. 4262 OF 2019

Sudip Subroto Ghosh
& Anr.

.. Petitioners

Vs.

1) The State of Maharashtra
& Anr.

.. Respondents

Ms.Chetan Alai for petitioners.

Ms.Sangita Shinde, APP for respondent No.1-State.

Ms.Meghna Ashok Gowalani for respondent No.2.

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

DATE : 28TH AUGUST 2019

P.C.

1 Mentioned for production. Production granted in view of urgency.

2 Heard the learned counsels for the petitioners, for respondent No.2
and the learned APP for State.

3 By this petition, the petitioners have approached this Court for
quashing and setting aside the First Information Report bearing C.R.
No.37/2018 registered with Domestic Airport Police Station, Mumbai at
the instance of the respondent No.2, for the offences punishable under
sections 406 and 420 read with 34 of the Indian Penal Code, 1860.

4 Pending investigation of the subject FIR, parties have amicably

settled their dispute and have entered into the consent terms, dated 4th April 2019, which were taken on record by this Court, vide order dated 11th April 2019 in Anticipatory Bail Application No.1828 of 2018, copy of which is annexed as 'Annexure C' to the petition. Pursuant to the understanding arrived at between them, the parties have now approached this Court for quashing the subject crime. The respondent No.2 has filed an affidavit dated 28th August 2019. In paragraphs 6 and 7 of the said affidavit, the respondent No.2 has stated about no objection for quashing the subject criminal proceedings.

5 Petitioner No.1 and respondent No.2 are present in Court and make statement that the consent terms would be complied with by them. The statement is accepted as an undertaking to this Court. In addition, respondent No.2 submits that he has no objection for quashing the subject criminal proceedings.

6 It can, thus, be seen that the matter has been amicably settled between the parties. From 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

1 2014 AIR SCW 2065

served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7 Accordingly, the petition is allowed in terms of prayer clause (a). However, at the same time, costs need to be saddled on the petitioners for using the police and judicial machinery for settling their personal disputes. In view of this, the petitioners to pay a sum of Rs.10,000/- as costs. This amount of Rs.10,000/- be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advance stage and/or terminally ill due to cancer. For the quashment to take effect, the petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

8 Subject to above, the criminal writ petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]