

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

CRIMINAL WRIT PETITION NO. 4264 OF 2019

Sudip Subrata Ghosh

.. Petitioner

Vs.

1.The State of Maharashtra
at the instance of Airport Police Station,
Mumbai & Ors.

.. Respondents

Mr.Chetan Alai for petitioner.

Mr.K.V. Saste, APP for respondent No.1-State.

Ms.Meghna A. Gowlani for respondent No.2.

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

DATE : 18TH SEPTEMBER 2019

P.C.

1. Heard the learned counsel for the petitioner, the learned APP for the respondent No.1-State and the learned counsel for the respondent No.2.

2. The petition is filed for quashing and setting aside the criminal case bearing No.3055/PW/2016, pending on the file of the learned Magistrate, 66th Court, Andheri Court, Mumbai. The said case arises out of registration of First Information Report bearing C.R.No. 25/2016, at the instance of the respondent No.2, registered with Air Port Police Station, Mumbai, for the offences punishable under sections 406 and 420 of the Indian Penal Code, 1860 (IPC).

3. Pending trial, the parties have settled their disputes amicably and pursuant to the understandings arrived at between them, they have approached this Court for quashing the proceedings of the criminal case, by consent.

4. The respondent No.2 and one of the aggrieved person namely S. Deepan Sankar have filed separate affidavits, both dated 17th August 2019. In paragraph 5 of each of the affidavits, they have given their no objection for quashing the proceedings of the subject criminal case. Another aggrieved person namely Ms.Komal Chouhan is not present in Court. The learned counsel for the petitioner states that she is not present as presently she is at Doha city, Qatar. However, she has sent an email on 17th September 2019 along with a scanned copy of her PAN card and stated that she has no objection to quash the proceedings of the subject criminal case. The copy of the email and scanned copy of the PAN card is taken on record.

5. The complainant, the respondent No.2 and said S.Deepan Sankar are present in Court and on specific query of the Court, they confirmed that they have no objection to quash the proceedings of the subject criminal case.

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.

7. Accordingly, the writ petition is allowed in terms of prayer clauses (a) and (b).

8. The counsel for the petitioner, at this stage, states that the passport of the petitioner was seized during the pendency of the investigation of the subject crime by the Investigating Officer, Air Port Police Station, Mumbai and seeks a direction for returning the same to the petitioner. It is further pointed out by the learned counsel for the petitioner that the bank account of the petitioner was also freezed pursuant to the registration of the FIR and subject criminal case and prayed for a direction to de-freeze the said bank account.

9. Since we have quashed the subject first information report as well as the criminal case, we are giving liberty to the petitioner to apply for return of the passport. In the event, such application is made, the concerned Investigating Officer shall return the passport to the petitioner. We also direct that the bank account which was freezed be de-freezed.

1 2014 AIR SCW 2065

10. At the same time, costs need to be saddled on the petitioner for using the police and judicial machinery for settling their personal disputes. In view of this, the petitioner to pay a sum of Rs.10,000/- as costs. This amount of Rs.10,000/- to 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 petitioner 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*.

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

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]