

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4644 OF 2019

Shri. Rajveer Sehdev and Ors.

.....Petitioners.

versus

The State of Maharashtra and Anr.

.....Respondents

Mr. P.P. Raul, for the Petitioners.

Mr. K.V. Saste, APP for the State.

Mr. Pratik Rahade, for Respondent no.2.

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

DATE : 26th September, 2019.

P. C. :

Heard learned counsel appearing for the respective parties.

2. By this petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the petitioner has prayed for quashing and setting aside the proceedings of criminal case bearing CC No.PW/61/2017 pending on the file of the learned Additional Metropolitan Magistrate, 18th Court at Girgaon, Mumbai. The said case has arisen from registration of FIR bearing C.R. No. 186 of 2014 with D.B. Marg Police Station, at the instance of respondent No.2 against the petitioners for the offences punishable under Section 409 read with section 34 of

the Indian Penal Code, 1860.

3. Pending trial, the parties settled their disputes amicably and filed consent terms dated 25th September, 2019. The consent terms are signed by the petitioners and respondent no.2. In pursuance of the understanding arrived at between the parties now they have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has, accordingly, filed a separate affidavit dated 23rd September, 2019 wherein in paragraph 6 thereof, he has given consent for quashing the proceedings of the subject criminal case.

4. The petitioners and respondent no.2 are personally present before the Court. On being questioned, respondent no.2 has specifically stated that he has gone through petition and affidavit and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the proceedings of the subject criminal case out of 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 proceedings of the subject criminal case 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 writ petition is allowed in terms of prayer clauses (a) and (b) subject to payment of costs of 25,000/- to **“Tata Memorial Hospital”** an institution that takes care of advanced and terminally ill cancer patients and, thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and order quashing the criminal proceedings shall be treated as non-est.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]