

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

**CRIMINAL WRIT PETITION NO. 4735 OF 2019
(Order is corrected as per order dated 15th October 2019)**

Rajesh Nandlal Rohra

.. Petitioner

Vs.

State of Maharashtra
& anr.

.. Respondents

Mr.Karan Kadam i/b Mrunmai Kulkarni for petitioner.

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

Ms.Rushita Jain for respondent No.2.

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

DATE : 1ST OCTOBER 2019

P.C.

1. The learned counsel for the petitioner, at the outset, seeks leave to amend the petition,

2. Since the petition is at the admission stage, the amendment, as prayed for, is granted. Necessary amendment be carried out within one week from today.

3. 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.

4. The petition is filed seeking quashment of the criminal proceedings bearing No.RCC/440/2017 pending before the learned Judicial Magistrate, First Class, Court No.2, Ulhasnagar. The said case arises out of registration of the first information report bearing No. I-274/2017, registered at the instance of respondent No.2 with Ulhasnagar Police Station for the offences punishable under sections 452, 323, 504 read with 34 of the Indian Penal Code.

5. Pending trial, the parties decided to settle their disputes amicably. The respondent No.2 was willing to give no objection to quash the subject FIR provided the petitioner tenders an unconditional apology. The petitioner, accordingly, has filed an affidavit dated 25th September 2019 tendering unconditional apology. The same is accepted. In the light of this, the respondent No.2-Simran Dhanwan Talreja has filed an affidavit dated 1st October 2019 and in paragraph 3 thereof, the respondent No.2 has given her no objection for quashment of the subject criminal proceedings. The respondent No.2 is personally present in the Court. On a specific query by this Court, the respondent No.2 stated that she has no objection to quash the subject criminal proceedings.

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 Punjab¹, 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 petition is allowed in terms of prayer **clause (c)**.

8. 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 each of the petitioner to pay a sum of Rs.5,000/- as costs. Hence, an amount of Rs.5,000/- 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*.

9. Subject to above, the criminal petition stands disposed of.

[**N.J. JAMADAR, J.]**

[**RANJIT MORE, J.]**

1 2014 AIR SCW 2065