

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4143 of 2018**

Pujit Ravikiran Aggarwal and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. A. P. Mundargi, senior counsel along Mr. D. J. Shukla, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Ms. Priyal Chheda, advocate for respondent No.2.

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

DATE : 30th SEPTEMBER, 2019.

P. C. :

1. Mr. Mundargi, learned senior counsel for the petitioners, at the outset, seeks leave to amend the petition so as to give particulars about the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting aside the criminal case No. 467/PW/17 pending on the file of the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai. The said case arises out of registration of FIR bearing C.R. No.260 of 2015 with Gavdevi Police

Station, at the instance of the respondent No.2 against the petitioners for the offences punishable under Section 420, read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has, accordingly, filed an affidavit dated 31st January, 2019. In paragraph 2 thereof, she has given her no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that she has given no objection for quashing the proceedings of the subject criminal case out of her own free will and without there being any pressure or coercion.

4. 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (b) subject to payment of costs of 25,000/- by the petitioners 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.

6. Subject to above, the writ petition is disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]