

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

CRIMINAL APPLICATION NO. 1276 OF 2019

Rambadan Ramadhar Singh .. Applicant
Vs.
State of Maharashtra .. Respondents & ors.

**WITH
CRIMINAL APPLICATION NO. 534 OF 2019**

Mr.Atul Nathalal Patel .. Applicant
Vs.
State of Maharashtra
& ors. .. Respondents

Mr.S.V. Marwadi i/b K.S. Garg for applicant in Cri.Application No.1276/2019.

Mr.K.S. Patil i/b Dipali G. Mainkar for applicant in Cri.Application No. 534/2019.

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

Ms.Nidhi Chheda for respondent No.2.

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

DATE : 1ST OCTOBER 2019

P.C.

1. Criminal Application No. 534 of 2019, though not listed today, with the consent of the learned counsel for the parties, heard finally.

2. Heard the learned counsels for the respective parties.

3. The applicant in the above applications are seeking quashment of the criminal case bearing No.958/PW/2013 pending before the Addl. Metropolitan Magistrate, 47th Court, Esplanade, Mumbai and arising out of

M.E.C.R. No.15 of 2012 registered with EOW, Unit-3, Mumbai, at the instance of respondent No.2-complainant Shri Vijay Ramchandra Patil. The civil proceedings are also simultaneously going on along with the subject criminal case.

4. Pending trial, the parties have settled their disputes amicably and filed consent terms in this court in Suit No.550 of 2016 on 21st February 2019. The consent terms are annexed at Exh.'I' at page 171 of Criminal Application No.534 of 2019. In terms of the consent terms arrived at between the parties, they have approached this Court for quashing the subject criminal proceedings by consent. Accordingly the respondent No.2-Vijay Ramchandra Patil has filed two separate affidavits. The affidavit filed in Criminal Application No.1276 of 2019 is dated 1st October 2019 and in affidavit filed in Criminal Application No.534 of 2019 is dated 9th September 2019. In paragraph 6 of both the affidavits, the respondent No.2 has given his no objection for quashment of the subject criminal proceedings. The applicant and the respondent No.2 are personally present in the Court. On a specific query of this Court, both the applicant and the respondent No.2 stated that they have no objection to quash the subject criminal proceedings.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaints, 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.

6. Accordingly, both the applications are allowed in terms of prayer clause (a), respectively.

7. At the same time, costs need to be saddled on the respective applicant for using the police and judicial machinery for settling their personal disputes. In view of this, the each of the applicant to pay a sum of Rs.50,000/- as costs in their respective applications. Hence, the total amount of Rs.1,00,000/- to be paid to **the Police Welfare Fund**. For the quashment to take effect, the applicant 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, applications 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 applications stand disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 2014 AIR SCW 2065