

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4899 OF 2019**

Rajesh Kumar Jaiswal ...Petitioner
Versus
The State of Maharashtra & anr. ...Respondents

Mr. Sujay Kantawala, i/b S. R. Karnik, for the Petitioner.
Mr. F. R. Shaikh, APP for the State/Respondent.
Mr. Chirag Chanani, i/b Dewani & Asso., for Respondent
no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED: 17th OCTOBER, 2019**

PC:-

1. Mentioned for production board. Taken up on production board in view of urgency.
2. Mr. Kantawala, the learned Counsel for the petitioner, at the outset seeks leave to amend the prayer Clause (b) of the petition. Leave granted. Amendment be carried out forthwith.
3. Heard Mr. Kantawala, the learned Counsel for the petitioner, Mr. Shaikh, the learned APP and Mr. Chanani, the learned Counsel for respondent no.2.
4. The petition is filed under Article 226 of the Constitution of India and Section 482 of Criminal Procedure Code for quashing and setting aside the criminal case bearing CC No.680/PW/2019, pending before 8th Metropolitan Magistrate

Court, Mumbai. The said criminal case arises out of the FIR being CR No.126 of 2019, dated 7th September, 2019, registered with the Marine Drive Police Station, Mumbai, at the instance of respondent no.2 for the offences punishable under Sections 354(A), 354(D) and 509 of the Indian Penal Code, 1860.

5. Pending investigation, the parties to the application have settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the subject criminal case/FIR by consent. The FIR was filed by respondent No.2. In pursuance of the settlement, Respondent no.2 has filed Affidavit, dated 4th October, 2019. In paragraph 10, she has given no objection for quashing and setting-aside the subject criminal case/FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing and setting aside the subject criminal case/FIR on her own free will and without there being any pressure or coercion.

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

7. Accordingly, the petition is allowed in terms of prayer Clause (b) subject to payment of costs of Rs.10,000/- by the petitioner to the “**Tata Memorial Hospital**” an institution that takes care of the 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 petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

8. Subject to above, the petition stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

1 2014 AIR (SCW) 2065