

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4508 OF 2018**

Vijay Lalmani Singh and ors.	Petitioners
versus	
The State of Maharashtra and anr.	Respondents

Mr. R. R. Sharma, advocate for the petitioners.
Ms. S. D. Shinde, APP for the State.
Mr. Akhilesh Singh, advocate for respondent No.2.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 10th APRIL, 2019.

P. C. :

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

2. The petition is filed for quashing the proceedings of criminal case No.549/PW/2002 pending on the file of learned Addl. Chief Metropolitan Magistrate, 5th Court at Dadar, Mumbai. The said case arises out of FIR No.280 of 2002 registered with Dadar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 504, 506 (II), 452, 323, 427, 341 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the petition settled their dispute amicably and, accordingly, they have filed consent terms in civil revision application No.526 of 2013 filed in this Court, a copy of which is annexed at Exhibit B, Page 41 of the petition. This Court disposed of the said revision in terms of the consent terms on 1st October, 2018. In pursuance of an understanding arrived at between the parties, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 16th October, 2018. In paragraph 3, he has given his no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceedings of the subject criminal case on his 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 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/-(Rupees Ten Thousand Only) by the petitioners to the **"Anandwan"** (payable in favour of "MAHAROGI SEWA SAMITI, WARORA") an institution which espouses the cause of socially disadvantaged people by enhancing their livelihood capabilities through self discovery and empowering them to contribute to the Society. The petitioners shall pay the said cost 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.

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

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]