

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

WRIT PETITION NO. 4867 of 2018

Mr. Mehmood Abdul Tahir Patel	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Mohd.Saeed Moghul, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Ms. Vibha Jha, advocate for respondent No.2.

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

DATE : 3rd JULY, 2019.

P. C. :

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

2. The petition is filed for quashing and setting aside the Sessions Case No.258 of 2015 pending on the file of learned Sessions Judge, 12th Court at Dindoshi, Bombay. The said case arises out of registration of FIR No.129 of 2015 with Amboli Police Station, at the instance of the respondent No.2 against the petitioner for the offences punishable under Sections 354-B, 376, 511 and 292 of the Indian Penal Code, 1860 (for short "the IPC").

3. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. We have perused the FIR. The allegation made against the petitioner is that he attempted to commit an offence of rape. Despite this, in FIR, Section 376 of the IPC was applied and charge-sheet is also filed under Section 376. Respondent No.2-complainant has filed an affidavit dated 11th December, 2018. In paragraph 4 thereof, she has stated that the police has unnecessary added Section 376 of the IPC in the FIR. It is her contention that she never made a complaint of rape in the police station. In these circumstances, in paragraph 8 of the said affidavit, she has given her no objection to quash 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 (a) subject to payment of costs of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) by the petitioner 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 off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]