

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

CRIMINAL APPLICATION NO.1330 OF 2018

Amol Moreshwar Mhatre ..Applicant
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.V.H. Narvekar for the Applicant.

Mr.Deepak Thakare, PP a/w Mr.S.D. Shinde, APP for the
Respondent-State.

Mr.Prapti V. Mane for Respondent No.2.

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

DATE : 01st APRIL 2019

P.C.

1. The learned counsel for the applicant at the outset seeks liberty to amend the prayer clause so as to give criminal case number of Trial Court. Leave granted. Necessary amendment shall be carried out forthwith.

2. Heard learned counsel for the applicant, learned APP and learned counsel for respondent No.2.

3. The Petition is filed for quashing and setting aside the proceedings of Regular Criminal Case bearing No.85 of 2018 pending on the file of learned 2nd Judicial Magistrate First Class at Vasai, District-Palghar. The said case arises out of the registration of FIR No. I-130 of 2017 with Nalasopara Police Station at the instance of respondent No.2 for an offence punishable under Sections 323, 324, 452, 504 and 506 of the Indian Penal Code.

4. Pending investigation, parties settled their dispute amicably and prepared and entered into the Consent Terms dated 24.10.2018. Copy of the Consent Terms is annexed at Exhibit-D at page No.56 of the Petition.

5. In terms of understanding arrived between the parties they have approached this Court for quashing the subject Criminal Case by consent.

6. The Respondent No.2 has filed affidavit dated 01.11.2018. In paragraph No.4 and 5 he has given no objection to quash the subject FIR and Respondent No.2 is personally present in Court. On specific query, he has made a statement that they have gone through the petition and affidavit and understood the contents

thereof. He specifically states that he has no objection to quash the subject FIR against the present applicants.

7. 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.

8. However, at the same time, costs need to be saddled on the parties for using the police machinery and use of judicial mechanism for settling their personal disputes.

Hence, the applicant is liable to pay cost. We quash and set-aside Criminal Proceedings bearing Case No.85 of 2018 pending on the file of learned 02nd Judicial Magistrate First Class, Vasai, District-Palghar subject to the condition that of the applicant depositing an amount of Rs.10,000/- by way of costs to “Yashodhan Charitable Trust”, (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFCS

Code MAHB0000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The applicant shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

Subject to above, Criminal Application stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)