

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

CRIMINAL WRIT PETITION NO. 5705 OF 2018

Mr.Chandrashekhar Parshuram Deshmukh .. Petitioner

Vs.

State of Maharashtra

& Ors.

.. Respondents

Mr.S.B. Thorat for petitioner.

Mrs.A.S. Pai, APP for respondent No.1-State.

Mr.P.S. Chavan for respondent No.3.

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

DATE : 9TH OCTOBER 2019

P.C.

1. Not on board. Mentioned, in view of urgency. Taken on production board.

2. The learned counsel for the petitioner seeks leave to amend the petition so as to give particulars of the case.

3. Leave granted. Necessary amendment be carried out within two from today.

4. The petition is filed for quashing and settling aside criminal case bearing No.SCC-12971 of 2018 pending before the

Judicial Magistrate, First Class, Thane. The case arises out of the registration of first information report bearing C.R.No.II 43/18 registered with Chitalsar Police Station, Thane, at the instance of the respondent No.3, for the offences punishable under sections 504, 506 and 509 of the Indian Penal Code.

5. In view of the understanding arrived at between the parties, they have approached this Court for quashing the subject criminal proceedings. The complainant-respondent No.3 has filed an affidavit, dated 30th May 2019 and in paragraph 4 thereof, she has given unconditional consent for quashing the subject FIR. The respondent No.3 is personally present in Court and on specific query by this Court, confirmed that she has no objection to quash the subject criminal proceedings/FIR.

6. 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*¹, we

1 2014 AIR SCW 2065

find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. Accordingly, the petition is allowed in terms of prayer clause (a). However, at the same time, costs need to be saddled on the petitioner for using the police and judicial machinery for settling their personal disputes. In view of this, the petitioner to pay a sum of Rs.10,000/- as costs. This amount of Rs.10,000/- to be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advanced stage and/or terminally ill due to cancer. For the quashment to take effect, the petitioner shall pay the said costs 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, petition 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 writ petition stand disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]