

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 741 OF 2019**

Mr. Arvind Brijkishore Sharma @ Jangid	Applicant
Versus	
The State of Maharashtra and anr.	Respondents

Ms. Sadaf Maldar along with Mr. Mahesh Yagania, advocate for the applicant.
Mr. Mukesh Pandey with Mr. Virendra Pandey, advocate for respondent No.2.

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE JJ.**

DATE : 28th FEBRUARY, 2022.

P.C. :

1. Heard learned counsel appearing for the respective parties.

2. The present application is filed for seeking quashment of M.E.C.R.No.04 of 2014 registered with Dindoshi Police Station against the applicant at the instance of respondent No.2 for the offences punishable under Sections 404, 420, 465, 467, 468 read with Section 34 of the Indian Penal Code, 1863 as well as proceedings arising out of the said FIR viz. C.C. No.491/PW/2017 pending before learned Metropolitan Magistrate, 67th Court at Borivali, Mumbai.

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3. Learned counsel appearing for the applicant as well as respondent No.2 submitted before this Court that pending investigation, the parties have arrived at an amicable settlement and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject M.E.C.R as well as criminal case by consent.

4. Respondent No.2 has filed a consent affidavit dated 26th February, 2022. The same is taken on record. It is stated in the said affidavit that the dispute between respondent No.2 and the applicant arose out of various properties of Late Brijkishor Bahadur Singh Sharma and accordingly, respondent No.2 had lodged a complaint against the applicant. Then, it is stated that due to intervention of the relatives and senior respected members in the family, a meeting was arranged to resolve the dispute between the parties, and as a result of which, respondent No.2 and applicant decided to settle the family dispute amicably. Reference is also made to consent terms being filed before learned City Civil Court, Borivali Division, Dindoshi Goregaon in S.C. Suit No.1555 of 2014, a copy of which is annexed at page 355 of the present application. Learned counsel appearing for the respective parties submitted that in view of the consent terms arrived at between the parties and compromise of all disputes, the parties have mutually decided to put an end to the criminal litigation.

5. Respondent No.2 – Mr. Ajay B. Sharma, is present before the Court. On being questioned, he stated that he has no objection for quashment of the subject MECR as well as the criminal case arising out of it and further confirmed that he is giving no objection for quashing the subject MECR as well as criminal case out of free will and without there being any pressure or coercion.

6. In view of the fact that the parties have settled their dispute amicably, we are of the opinion that no fruitful purpose would be served by continuing the criminal proceedings. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the criminal proceedings alive, except burdening the Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the criminal proceedings in question. 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, we dispose of the application by quashing the

M.E.C.R. 04/2014 registered with Dindoshi Police Station against the applicant at the instance of respondent No.2 as well as proceedings arising out the said M.E.C.R.viz. C.C. No.491/PW/2017 pending before learned Metropolitan Magistrate, 67th Court at Borivali, Mumbai, subject to payment of costs of Rs.5,00,000/- by the applicant to the **Tata Memorial Hospital, Mumbai**, for the use of its philanthropic purposes and having its account with Central Bank of India, Account No.1002449683, IFSC Code CBIN0284241 and thereafter, 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 order quashing the FIR as well as criminal case shall be treated as *non-est*.

8. Subject to above, the criminal application stands disposed of.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)