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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 198 OF 2015**

Mr. Pravin Phoolchand JainPetitioner
versus
1. State of Maharashtra
2.Jehangir Iqbal Matlub AalamRespondents

Mr. V. J. Tamboli i/b. Mr. V.V. Jain, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. A. V. Khan, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th February, 2015.

P.C.:

This petition under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of FIR No.491 of 2013 registered with Mira-Road Police Station at the instance of respondent No.2 against the petitioner/original accused No.2 for the offences punishable under Section 409 read with Section 34 of the Indian Penal Code.

2. During the investigation of the said crime, the petitioner and respondent No.2 settled their dispute amicably and in pursuance of the understanding arrived at between them, they have filed the present petition for quashing the proceedings of the said FIR by consent.

Respondent No.2 has filed an affidavit. In paragraph 3 of the said affidavit, he has stated that the dispute between him and the petitioner is settled and he does not want to prosecute the petitioner. In paragraph 4, he has given no objection for quashing the said FIR qua the petitioner. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the FIR are quashed and set-aside. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. 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. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. 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 pending except burdening the Criminal Courts which are already overburdened.

4. 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. 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 (b) subject to payment of cost of Rs.5000/- by the petitioner to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)