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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 46 OF 2014

1. Prakash Sopan Ingale
2. Gurjeet Singh Surendra
3. Sandesh Madhukar Bagul
4. Manohar Jagdev Bagde
5. Sandesh Sakpal

....Applicants

versus

1. The State of Maharashtra
2. The Inspector of Police, Saki Naka, Police Station
3. Rajesh Raghunath Khanvilkar

....Respondents

Mr. S. S. Butala, advocate for the applicants.

Mr. K. V. Saste, APP for the State.

Ms. Maya A. Bhalerao, advocate for respondent No.3.

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

DATED : 10th February, 2015.

P.C.:

This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceeding of CC No.6413/PW/2005 pending on the file of learned Metropolitan Magistrate, 66 Court at Andheri, Mumbai. The said criminal case arises out of FIR No.38 of 2005 registered by Saki Naka Police Station, at the instance of respondent No.3 against the petitioners for the offences punishable under Sections 452, 341, 170, 384, 506, 420 read with Section 34 of the Indian Penal Code.

2. During the pendency of the criminal case, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the said criminal case by consent. Respondent No.3 has filed an affidavit dated 30th July, 2014. In paragraph 9, he has stated that he has no objection for quashing the proceedings of the said criminal case. Respondent No.3 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 arising out of CC No.6413/PW/2005 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.

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. 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.

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. 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.

6. Accordingly, the application is allowed in terms of prayer clause (d) subject to payment of cost of Rs.5000/- by the applicants to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)