

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 281 OF 2015

Dharam Satpal Singh Uberoi.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. D. S. Joshi for the Petitioner.

Mr. K. P. Dube for Respondent No. 2.

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

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **March 24, 2015.**

P. C. :

1. At the outset, learned Counsel appearing for the Petitioner seeks leave to amend the prayer clause so as to incorporate the particulars of concerned police station. Leave granted. Necessary amendment be carried out forthwith.

2. This is petition under Article 226 of the Constitution of India and under the provisions of section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings of MECR No.06 of 2014 registered with V. P. Marg Police Station, Mumbai. Respondent No.2 filed a private complaint before the Additional Metropolitan Magistrate, 4th Court, Girgaon, Mumbai. On the said complaint, the learned Magistrate made order under

section 156(3) of the Code of Criminal Procedure, 1973. Pursuant to the said order, above referred MECR came to be registered against the Petitioner for the offence punishable under sections 406 and 420 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that in the proceedings for anticipatory bail application filed by the Petitioner before the Sessions Court, the parties arrived at settlement and filed consent terms before that Court. Copy of the consent terms is annexed at Exhibit- B to the petition. The learned Counsel submitted that in view of that amicable settlement of all disputes between the parties, the Petitioner has filed present petition seeking to quash the aforesaid MECR, by consent.

3. Before this Court, Respondent No.2 has filed an affidavit dated 13th March 2015, wherein he has given his no objection for quashing MECR No.6 of 2014 in view of the amicable settlement of disputes between himself and the Petitioner. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing MECR No. 6 of 2014 in question initiated by him her against the Petitioner for the offence punishable under sections 406 and 420 of the Indian Penal Code,

1860.

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 crime. 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.

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, writ petition is made absolute in terms of prayer clause (b). As the police and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner with the cost of Rs.15,000/-, which shall be paid to **"Shanti Avedna Sadan"** an institution that takes care of the

advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]