

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

CRIMINAL WRIT PETITION NO. 352 OF 2015

Manish Chandrakant Dhole Patil ..Petitioners

v/s.

Vikram Kaju Payyar & Anr. ..Respondents

Mr. P.B.Kulkarni for the Petitioner.

Mr. P.S.Thombre for the Respondent No.1.

Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : FEBRUARY 04, 2015.**

P.C.

1. At the outset Mr. Kulkarni seeks leave to amend the prayer clause (a) and (b) by changing MECR No.24 to 20. Leave Granted. Amendment to be carried out forthwith.

2. Heard. This petition is filed under Article 226 of the Constitution of India, 1950 for quashing the proceeding of MECR No.20 of 2014 registered with Juhu Police station against the

petitioner for the offence punishable under Section 405, 415 and 420 of IPC.

3. The respondent no.1 filed private complaint being SCC No. 538/SW/2013 before the Honourable Metropolitan Magistrate at Mumbai against the petitioner for offence under Section 406, 415, 420 of IPC.

4. The learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai passed an order under Section 156(iii) of Cr.P.C. and directed the police to investigate into the respondent no.1's allegation and to submit report. In pursuance of this order, the Juhu Police Station registered MECR No.20 of 2014 against the petitioner.

5. During investigation the petitioner and the respondent no.1 settled their disputes amicably and in pursuance of the understanding arrived at between them filed the present petition for quashing the proceedings of the said MECR No.20 of 2014 by consent. The respondent no.1 has filed an affidavit dated 4.2.2015. In paragraph 6 of the affidavit he has given no objection for quashing the said proceeding being MECR No.20 of 2014 registered with the

Juhu Police Station, Mumbai.

6. Respondent No.1 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the 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 the criminal proceedings in question initiated by him against the Petitioner for the offence punishable under sections 405, 415 and 420 of IPC.

7. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no public law is involved in the crime. In the 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.

8. 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.

9. Accordingly, application is allowed in terms of prayer clause (a).

10. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the Tata Memorial Cancer Hospital, Mumbai and produce a copy of the receipt on the file of this application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)