

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 90 OF 2015....

Laxman Vijay Gupta.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Parvez M. Rusthomkhan for the Applicant.

Mr. J. P. Yagnik, learned APP for the State.

Prashant Borkar – Respondent No. 2-in person present.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **February 12, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and Respondent No. 2 in person. Present application is filed under the provisions of section 482 of the Code of Criminal Procedure, 1973 seeking to quash proceedings of Criminal Case No.839/PS of 2001 pending on the file of Additional Chief Metropolitan Magistrate, 5th Court at Dadar, Mumbai. The said case arose from FIR No.352 of 2001 registered against the Petitioner at Dadar Police Station at the instance of Respondent No. 2 for the offence punishable under sections 279 & 337 of the Indian Penal Code, 1860 and 184 of the Motor Vehicles Act, 1988.

2. Learned Counsel appearing for the Petitioner submitted that during the pendency of trial, parties have settled their disputes and arrived at an amicable settlement

and pursuant to such settlement, the Applicant has filed present application for quashing the said criminal proceeding by consent.

3. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 has filed an affidavit dated 29th January 2015. In paragraph 7 of the said affidavit, he has solemnly affirmed that he has no objection for quashing the proceedings of the criminal case No. 839/PS/2001. 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 the criminal proceedings in question initiated by him against the Applicant for the offence punishable under sections 279 and 337 of the Indian Penal Code, 1860 and 184 of the Motor Vehicles Act, 1988.

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. In the above fact situation, application is allowed in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/-, which shall be paid to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

7. Application stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]