

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 383 OF 2015

Meenabai Paudurang Dalvi and Others. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Gautam Pyarelal for the Petitioners.

Mr. Prajyot Shrivastav for Respondent No. 2.

Mrs. M. M. Deshmukh, learned APP for the State.

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

Date : **February 24, 2015.**

P. C. :

1. Invoking the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, the Petitioners are seeking to quash C.R. No. I-318 of 2013 registered with Naupada Police Station against the Petitioners at the instance of Respondent No.2 for the offence punishable under sections 467, 468, 471, 420, 504 and 506 read with 34 of the Indian Penal Code, 1860. The said C.R. is registered pursuant to the order made by the JMFC, Thane under section 156(3) of the Code of Criminal Procedure, 1973 in O.M.A. No. 649 of 2012.

2. Learned Counsel appearing for the respective parties submitted that parties are related to each other. The proceedings came to be initiated due to some misunderstanding and misconceptions between two families over property matters. They further submitted that during the

pendency of investigation, parties have settled their disputes and in pursuance of the understanding arrived at between them, the Petitioners have filed present petition for quashing aforesaid C.R., by consent.

3. Respondent No.2 has filed an affidavit dated 30th January 2015. In the said affidavit, she has stated that she has no objection for quashing the proceedings of C.R.No. I-318 of 2013 since the Petitioners and her family have settled all their disputes amicably.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing C. R. No. I-318 of 2013 which is registered at her instance with Naupada Police Station against the Petitioners.

5. 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 case. 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.

6. 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.

7. Accordingly, writ petition is made absolute in terms of prayer clause (b). As the police 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 Petitioners 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 Petitioners 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.]