

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 102 OF 2015

Vandana Vikas Waghmare. ..Applicant.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. P. V. Vare for the Applicant.
Mr. J. P. Yagnik, learned APP for the State.
Mr. Suyog S. Pawar for Respondent No. 2.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **February 12, 2015.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. This is application under section 482 of the Code of Criminal Procedure, 1973 seeking to quash (i) MECR No. 4 of 2009 registered by Agripada Police Station against the Applicant for the offence punishable under section 420, 464, 467 and 406 of the Indian Penal Code, 1860 and (ii) proceedings of C.C.No. 462/PW/2010 pending on the file of additional Chief Metropolitan Magistrate, 46th Court, Mazgaon, Mumbai. The said proceedings are initiated by Respondent No.2.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of above proceedings, parties have amicably settled their disputes and pursuant to the understanding arrived at between them, present application is filed for quashing those proceedings 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 6th February 2015. In paragraph 6 of the said affidavit, he has solemnly affirmed he has no objection for quashing the proceedings of MECR No. 4 of 2009 registered with Agripada Police Station and C.C.No. 462/PW/2010 pending on the file of Additional CMM, 46th Court, Mazgaon, Mumbai.

4. the learned Counsel appearing for Respondent No. 2 submitted that Respondent No. 2 is 80 years old and he is not keeping well, therefore, he is not personally present in the Court. He further submitted that however son of Respondent No.2, Mr. Sudhir Rajaram Waghmare is present in the Court on behalf of Respondent No.2. On specific query made by us, Mr. Sudhir son of Respondent No.2 submitted that his father has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that his father has no objection for quashing the criminal proceedings in question initiated by him against the Applicant.

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 crime. The offence alleged cannot be said to have any impact on the society. The Applicant is the widow daughter-in-law of Respondent No.2. It appears that MECR came to be registered in view of the disputes between the family members. Since they have settled their disputed amicably, it would be in the interests of justice and it would help the parties to maintain cordial relations with each other, who are members of the one family. 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

5821, 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 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, 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.10,000/-, 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.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]