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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 439 OF 2015

Shri Keshvindarsingh Suri
versus

....Petitioner

1. State of Maharashtra
2. Shri Thau Gopal Pawar

....Respondents

Mr. Vikram Chavan, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.
Mr. Amol Patil, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 10th February, 2015.

P.C.:

This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing of C.R.No.18 of 2012 and all further proceedings arising out of the said C.R..

2. At the instance of respondent No.2, Vakola Police Station registered the said C.R. against the petitioner for offences punishable under Section 279 and 338 of the Indian penal Code. After investigation into the crime, a charge-sheet is filed which is numbered as CC No.384/PS/2013 before the 21st Metropolitan Magistrate Court at Bandra.

3. During the pendency of the said criminal case, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, they have filed this petition for quashing the proceedings of the said CC No.382/PS/2013 by consent. Respondent No.2 has filed an affidavit dated 9th February, 2015. In paragraph 7 of the said affidavit, he has stated that the present petition may be allowed. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of CC No.382/PS/2013 are quashed and set-aside. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. 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, the petition is allowed in terms of prayer clause (b) subject to payment of cost of Rs.10000/- by the petitioner. The petitioner shall deposit this amount in Fixed Deposit Receipt in the name of Minor- Master Sachin Thau Pawar, son of respondent No.2 for a period of 6 years. The original Fixed Deposit Receipt shall be handed over to respondent No.2 and a copy thereof shall be placed on the file of this Court within a period of four weeks from today.

7. Thereafter, the Registry shall issue letter to the concerned Bank not to allow withdrawal of the Fixed Deposit Receipt amount before the maturity period.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)