

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.471 OF 2015

Nilesh Bhupatrai Mehta

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

.....

Mr. P.D. Prasad Rao for Petitioner.

Mrs. U.V. Kejriwal, APP for Respondent No.1-State.

Mr. K.V. Tembe for Respondent No.2.

Mr. R.G. More, API, Pantanagar police station, present.

**CORAM : RANJIT MORE &
 M.L. TAHALIYANI, JJ.**

DATED : MARCH 11, 2015.

P.C.

The Petitioner has approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of Criminal Procedure Code, 1973 seeking to quash the proceedings of C.C. No.474/PW/09 pending on the file of learned Metropolitan Magistrate, 73rd Court, Vikhroli. Said case is the offshoot of FIR No.6/2007 registered at Pantanagar police station, Ghatkopar (East) against the Petitioner at the instance of Respondent No.2 for the offences punishable under sections 465, 467, 468, 471 and 420 of the Indian Penal Code, 1860.

2. Learned counsel appearing for the respective parties submitted that during the pendency of trial of said case, parties settled their dispute amicably and in pursuance of understanding arrived at between them, the present writ petition is filed by the Petitioner for quashing of said criminal case, by consent.

3. Respondent No.2 has filed an affidavit dated 20th February, 2015. In paragraph No.1 he has stated that he has settled his dispute with the Petitioner amicably and now there are no differences or grievances against each other or any of the family members. In paragraph No.2 he has stated that he does not wish to pursue any of said complaints. Respondent No.2 is personally present in the Court. On specific query, he submitted that he has gone through the affidavit and he admits the contents thereof. He has submitted that he has no objection for quashing the criminal case in question. He further stated that he has given no objection out of his own free will without there being any pressure.

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 offence. 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 FIR in question.

6. Accordingly, the petition is allowed in terms of prayer clause (a). As a condition precedent for this order to take effect, petitioner shall pay costs of Rs.10000/(Rupees Ten Thousand Only) to the cancer hospital, “**Shanti Avedana Sadan**”, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this petition within a period of three weeks from today.

[M.L. TAHALIYANI, J.]

[RANJIT MORE, J.]