

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 623 OF 2015**

Mr. Manish Thakker

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Mr. Gautam Tiwari i/b. Daljit Bhatia for the Petitioner.

Mr. F.R.Shaikh, APP for the Respondent/State.

Mr.Manish Pabale for the Respondent No.2.

Not on board. On production, taken on board.

**CORAM : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI,JJ.  
DATED : FEBRUARY 13, 2015.**

**P.C.**

1. Learned Counsel for the petitioner seeks leave to amend the title of the petition. Leave granted. Amendment to be carried out forthwith.
2. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of FIR No.89 of 2014 registered with the Crime Branch, Unit 9, Mumbai against the petitioner, at the instance of the respondent no.2 for the offence punishable under Section 324, 326 of

Indian Penal Code.

3. During investigation of the said crime, parties settled the dispute amicably and in pursuance of the understanding arrived between them, filed the present petition for quashing the proceedings of the said FIR by consent.

4. The respondent no.2 accordingly has filed affidavit dated 13.2.2015 In paragraph 7 of the affidavit, the respondent has stated that as the dispute is amicably settled, he does not want to proceed against the petitioner. In para 9 of the said affidavit he has given no objection is given for quashing the proceeding of said FIR No.89 o 2014 filed by him against the petitioner before the Crime Branch Unit 9.

5. Respondent No. 2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the 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 Petitioner for the offence punishable under sections 324, 326 of the Indian Penal Code, 1860.

6. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioner is personal in nature and no public law is involved in the crime. In the 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.

7. 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.

8. Accordingly, application is allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.20000/- (Rupees Twenty 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 application within a period of two weeks from today.

**(ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**