

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

CRIMINAL APPLICATION NO. 142 OF 2015

Shri Kamlesh Laxman Pal ..Applicant

v/s.

State of Maharashtra & Anr. ..Respondent

Mr. S.S.Karmarkar for the Applicant.

Mr. K.V.Saste, APP for the Respondent/State.

Mr.Randhir Singh and Ms. Neha Sutaria for the Respondent No.2.

**WITH
CRIMINAL WRIT PETITION NO. 655 OF 2015**

Harshad Anand Gawde ..Petitioner

v/s.

Kamlesh Laxman Pal & Ors. ..Respondents

Mr.Randhir Singh and Ms. Neha Sutari for the Petitioner.

Mr. J.P.Yagnik, APP for the Respondent/State.

Mr. S.S.Karmarkar for the Respondent No.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : MARCH 04, 2015.**

P.C.

1. The above application and the writ petitions are filed for

quashing of the proceedings of C.R.No. I-319 of 2014 and C.R.No. I-320 of 2014 both registered with Manikpur Police Station, Vasai, District Palghar. Both the FIRs arise out of the one and same incident which occurred on 19.11.2014.

2. C.R.No. 319 of 2014 is registered against the applicant in Criminal Application NO.142 of 2015 at the instance of respondent no.2 Harshad Gawde and C.R.No.220 of 2014 is registered against the applicant in Criminal Writ Petition NO. 655 of 2014 at the instance of respondent no.1 Kamlesh Laxman Pal. CR NO.319 of 2014 is registered for the offence punishable under Sections 326, 323, 504, 506, 143, 147, 148, 149 and 427 of IPC. CR NO.320 of 2014 is registered for the offence punishable under Section 326, 323, 504, 506, 143, 147, 148, 149 of IPC. Thus, the CR are registered as a counter case.

3. During investigation, parties to the above criminal application and criminal writ petition settled their dispute amicably and in pursuance to the understanding arrived at between them have filed application for quashing the above CR by consent.

4. Mr. Harshad Gawde, complainant in C.R.No. I-319 and Kamlesh

Pal complainant in C.R.No.I-320 have filed respective affidavits wherein both of them have given no objection for quashing the respective FIR registered at their instance.

5. We have also perused the statements in the FIR. Perusal of the same discloses that the weapon used by the applicant in both the proceedings is wooden stick.

6. Both the complainants are is personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the criminal proceedings in question initiated by them against each other.

7. It can thus be seen that the dispute between the parties is settled. The allegation made by the parties against each other in the respective C.R. is personal in nature and no public policy 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.

8. 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.

9. Accordingly, Criminal Application No.142 of 2015 and Writ Petition No. 655 of 2015 are allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the Applicant in Cri. Application No. 142 of 2014 and the petitioner in Writ petition no. 655 of 2015 shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) each to the cancer hospital, namely **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.)