

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

CRI. WRIT PETITION NO. 786 OF 2015

Prathamesh Bhikaji Ghadigaonkar ... Petitioner.

V/s.

Asitkumar Jyotishchand Ghosh & Anr. ... Respondents.

Mr. K. H. Holambe Patil, Advocate for the Petitioner.

Mr. A. J. Ghosh, Respondent No.1-in-person present.

Mrs. M. M. Deshmukh, APP for Respondent No.2-State.

CORAM : RANJIT MORE & A.V.NIRGUDE,JJ.

DATED : 26th NOVEMBER, 2015.

P.C. :

1 Heard the learned counsel appearing for the petitioner, Respondent No.1, who appears-in-person and the learned APP for the State.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of section 482 of the Cr.P.C.1973,for quashing and setting aside the proceedings of criminal case bearing no.231/PW/ 2012, pending on the file of the 11th Metropolitan Magistrate's Court, Kurla. The said case arises out of registration of FIR bearing CR No. 391 of 2010 with the Tromby Police Station, Mumbai at the instance

of Respondent No. 1 for the offences under Sections 468, 420 read with section 34 of the Indian Penal Code and Section 66-A of the Information and Technology Act, 2000.

3 Pending trial of the subject criminal case, the parties have settled their dispute amicably and, in pursuance of an understanding arrived at between them, they have approached this court for quashing the proceedings of the subject criminal case by consent. Respondent No.1 has filed an affidavit dated 18th March, 2015. In para 3, Respondent No.1 has given no objection to quash and set aside the proceedings of the subject criminal case. Respondent No.1 is personally present in the court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and that he has no objection to quash the proceedings of the subject criminal case as against the petitioner.

4 The above referred subject criminal case was registered against one Ketan Bondiwade and the present petitioner for the offences referred herein above. However, said Ketan Bondiwade reported to be dead. So far as the present petitioner is concerned, Respondent No.1, the original complainant, has given no objection to quash the subject criminal case.

5 It can, thus, be seen that the matter has been amicably settled between the parties. From perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal courts which are already overburdened.

6 Accordingly, the criminal writ petition is allowed in terms of prayer clause (a). The petition stands disposed of.

(A.V.NIRGUDE,J.)

(RANJIT MORE,J.)

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