

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

CRIMINAL WRIT PETITION NO. 875 OF 2015

Rajivkumar Jagannath Singh ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondent

Mr. Amol P. Joshi for the Petitioner.

Mr. Ajay V. Shinde for the Respondent No.2.

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

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

P.C.

1. Heard. The petitioner is approaching this Court invoking the provisions of Article 226 of the Constitution of India, 1950 r/w. the provisions of Section 482 of Cr.PC. for quashing the Criminal Case No.856/PW/2009 pending on the file of the Metropolitan Magistrate's 61st Court, at Kurla, Mumbai. Said case arises out of C.R.No.42 of 2009 registered with Antop Hill Police Station against the petitioner at the instance of respondent no.2 for the offence punishable under Section 326 , 504 of IPC.

2. During pendency of the trial, the parties settled their dispute amicably and pursuant to the understanding arrived at between them, the present petition is filed for quashing the said criminal case by consent.

3. Respondent no.2, original complainant has filed affidavit dated 3.3.2015. In para 6 of the affidavit he has stated that he does not want to continue with the prosecution case pending against the petitioner being Criminal Case No.856/PW/2009 pending before the Metropolitan Magistrate's 61st Court, at Kurla, Mumbai.

4. In paragraphs 9 and 10 of the affidavit he has stated that the proceedings of the FIR and Criminal case may be quashed. The 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 326, 504 of the Indian Penal Code, 1860.

5. 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 element of 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.

6. 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.

7. Petition is allowed in terms of prayer clause (a).

Considering the fact that the respondent no.2 sustained grievous injury and had required to undergo hospitalization, the petitioner is directed to pay to the respondent no.2 an amount of Rs.20,000/- by way of costs. Payment of cost is a condition precedent for this order to take effect. Petitioner to deposit the cost of Rs.20,000/- (Rupees Twenty Thousand Only) with the registry of

this court within two weeks from today. Upon petitioner depositing the said costs, Registry shall allow the respondent no.2 to withdraw the said amount on making an appropriate application.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)