

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 986 OF 2015

Manohar Pratap Jariyal. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Rahul Arote for the Petitioner.
Mr. B. Thakar for Respondent No. 2.
Mrs. S. V. Sonawane, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **April 7, 2015.**

P. C. :

1. This is a writ petition under Article 226 of the Constitution of India, seeking to quash the proceedings of CC.No.63/PW/2014 pending on the file of Metropolitan Magistrate, Vikhroli, Mumbai. The said proceeding is the off-shoot of C.R.No. 258 of 2013 registered with Pant Nagar Police Station against the Petitioner at the instance of Respondent No.2 for the offence punishable under sections 385 and 504 of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the respective parties submitted that during the pendency of trial, the parties have come together and settled all their differences. They submitted that pursuant to the understanding arrived at between the parties, the Petitioner has filed present petition for quashing

the proceedings of above case, by consent. They submitted that in the interest of justice and as the parties have decided to give up acrimonious relations and settled all their disputes amicably, it would be unnecessary to keep the above criminal proceedings alive. They accordingly prayed that above criminal proceedings may be quashed.

3. The complainant - Respondent No.2 herein has filed an affidavit dated 5th March 2015. In paragraph 5 of the said affidavit, he has stated that he has no objection for quashing the proceedings of the criminal case No. CC No. CC 63/PW/2013 pending on the file of the Metropolitan Magistrate, Vikhroli, Mumbai.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said 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.

5. 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 crime. 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.

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. In the circumstances, petition is made absolute in terms of prayer clause (a). As the police machinery and Court machinery was used by the parties to settle their private disputes as a corollary of differences of opinion between them, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]