

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

**CRIMINAL WRIT PETITION NO. 998 OF 2015**

Sunil T. Bharadkar

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. C.K.Talekar for the Petitioner.

Mr.Sanjay Sawant for the Respondent No.2.

Mrs.M.H.Mhatre, APP for the Respondent/State.

**CORAM : RANJIT MORE &**

**SMT. ANUJA PRABHUDESSAI,JJ.**

**DATED : APRIL 23, 2015.**

**P.C.**

1. 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 CC No. 1477/PW/2014 pending on the file of the Metropolitan Magistrate's 26<sup>th</sup> Court at Borivali, Mumbai. The said case arises out of registration of FIR No.155 of 2013 with the Borivli Police Station at the instance of the respondent no.2. After completion of investigation in this FIR Police submitted the chargesheet which came to be numberd as C.C.No.1477/PW/2014.

2. During pendency of trial, parties settled the dispute amicably. And have approached this court by filing this petition to quash and set aside the criminal case No.1477/PW/2013 by consent.

3. The petitioner and the respondent no.2 have filed joint affidavit dated 23.4.2015 . In paragraph 7 and 9 of the affidavit, they have stated that they have settled the dispute between themselves and there is no grievance against each other.

4. 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 409, 420, 34 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 petitioners 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. Accordingly, petition 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.10000/- (Rupees Ten Thousand Only) 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 petition, within a period of two weeks from receipt of this order. Cost, if not paid within the stipulated time, the writ petition shall stand dismissed without further order from the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)