

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

CRIMINAL WRIT PETITION NO. 788 OF 2011

Sanjay Badrinath Pardeshi & Anr.

..Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Atulkumar K. Patil for the Petitioner.

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

Mr.A.R.Kapadnis for the Respondent No.2

Not on board, on production taken on board.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JUNE 11, 2015.

P.C.

1. This petition is filed under Article 226 and 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of CR No.8 of 2011 registered at Killa Police Station, Malegaon.

2. The said case is filed against the petitioner at the instance of the respondent no.2, for the offences punishable under Section 465, 420 r/w. 34 of the Indian Penal Code.

3. The petition was placed for admission before this bench on 22nd

July, 2011. This court, after hearing the parties admitted the petition and stayed the further investigation in the said C.R. During pendency of the petition, parties settled their dispute amicably and approached this Court for quashing and setting aside the said C.R. by consent.

4. The respondent no.2 has filed affidavit dated 15th January, 2014. In said affidavit in paragraph 13.01.2014 she has stated that the dispute between herself and her brother has been amicably settled and accordingly she has no objection to quash and set aside the proceeding of the said FIR.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 465, 420 r/w. 34 of the Indian Penal Code, 1860.

6. It can thus be seen that the dispute between the parties is settled amicably. 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.

7. 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.

8. Accordingly, petition is allowed in terms of prayer clause (b).

9. As a condition precedent for this order to take effect, the petitioner shall pay costs of Rs.5000/- (Rupees Five 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 three weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)