

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

CRIMINAL WRIT APPLICATION NO. 253 OF 2015

Abhishek Ganesh Keshan

..Applicant

v/s.

The State of Maharashtra
& Anr.

..Respondents

Mr. S.S.Karmarkar for the Applicant.

Ms.Reshma Apte for the Respondent No.2

Mrs. PH.Kantharia, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 30, 2015.

P.C.

1. This applicaion is filed invoking the inherent powers of this court under the provisions of Section 482 of Cr.P.C. for quashing the proceeding of Criminal Case No. 2816/PW/2014 pending on the filed of the learned Metropolitan Magistrate's 24th Court at Borivli, Mumbai. The said case arose out of registration of C.R.No. 276 of 2014 with Malad Police Station, Mumbai at the instance of the

respondent no.2 for the offence punishable under Section 354(D), 500, 509, 506(ii) of IPC and Section 66(A)(E) of the Information Technology Act, 2000.

2. Pending trial, parties settled their disputes amicably and in pursuance of the understanding arrived at between them have approached this Honourable Court by filing this application for quashing the proceeding by consent .

3. The respondent no.2 accordingly has filed affidavit dated 25th March, 2015. In paragraph 3 of the affidavit, she has given no objection for quashing the proceeding of the subject criminal case vide C.R.No.276 I of 2014..

4. 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 applicants for the offence punishable under sections 354(D), 500, 509, 506(ii) of IPC and Section 66(A)(E) of the Information Technology Act, 2000.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicants 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, application is allowed in terms of prayer clause (b).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Fifteen 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 application within a period of two weeks from receipt of this order. If the cost is not paid within the stipulated time, the application shall stand dismissed without further reference to the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)