

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

CRIMINAL APPLICATION NO. 254 OF 2015

Gerald Gene Pereira

..Applicant

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. N.S.Mundargi for the Applicant.

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

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : MARCH 26, 2015.**

P.C.

1. The applicant has approached this Honourable Court invoking the powers under the provisions of section 482 of Cr.P.C. to quash and set aside the proceeding of FIR bearing C.R.No. 41 of 2015 registered with Ghatkoper Police Station, at the instance of respondent no.2 against the applicant for the offence punishable under Section 279, 337 of Indian Penal Code. Meanwhile the parties settled their disputes amicably and in pursuance to the understanding arrived at between them, filed the present application. Learned Counsel for

the applicant submits that the respondent no.2 is the original complainant and the respondent nos. 3 and 4 are the injured in the said incident and that the respondents have been compensated.

2. The respondent nos.2 to 4 have filed separate affidavits. In para 5 of each of the affidavit they have given no objection to quash the proceeding of C.R. No.41 of 2015 registered with Ghatkoper Police Station.

3. The respondent nos.2 to 4 are present before the court. On specific query they have stated that they have made the said statement in the affidavit on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the criminal proceeding No. 41 of 2015 initiated against the applicant with Ghatkoper Police Station.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicant 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.

5. 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.

6. Accordingly, application is allowed in terms of prayer clause (a).

7. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.15000/- (Rupees Fifteen Thousand Only) to the respondents no.2 to 4 i.e. Rs. 5000/- each (Rupees Five Thousand each) to respondent nos.2 Mr. Chandrakant B. Jagde, respondent no. 3 Mrs. Sushma S. Zende and respondent no.4 Mr.Gautam N. Ingle. This amount of costs is not liable to be adjusted against any other amount paid earlier.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)