

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1203 OF 2014**

Pramod Ashok Sonawane

Petitioner.

Vs

1.The State of Maharashtra;
2.Shri Himmat Baburao Sul

Respondents

Mr. V.S.Talkute, Advocate for Petitioner.

Mrs. M.M.Deshmukh, A.P.P. for Respondent no.1-State.

Mr. S.R.Moray, Advocate for Respondent no.2.

CORAM : RANJIT MORE & R.G.KETKAR,JJ.

DATE : 09th OCTOBER, 2015.

PC:

Not on Board. Mentioned for urgent production. Production granted in view of urgency.

1. At the outset, Mr. Talkute, learned counsel for the petitioner, seeks leave to amend cause-title and prayer clause of the petition so as to give particulars of criminal case and name of respondent no.2. Leave granted. Necessary amendments shall be carried out within a week from today.

2. This petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of criminal case No.225 of 2014 pending before the learned Judicial Magistrate First Class, Phaltan.. The said case arises out of FIR, bearing C.R.No.188/2013 registered with Phaltan City Police Station, at the instance of respondent No.2, for the offences punishable under Section 338 of Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and pursuant to understanding arrived at between them, have approached this Court for quashing the proceedings of subject criminal case by consent. Respondent no.2 has filed an affidavit dated 9.10.2015. In paragraph 3, he has given no objection for quashing the proceedings of the subject criminal case as well as F.I.R. bearing C.R. No.188/2013 against the petitioner. Respondent no.2 who is personally present in the Court, confirms the contents of the affidavit and stated that whatever has been stated in the affidavit is true and correct, and on our specific query he states that he has no objection if the proceedings of the subject criminal case are quashed and set aside against the petitioner.

4. It can, thus, be seen that the dispute was personal in nature, which has now been settled amicably. From perusal of the complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the case. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and Ors. versus State of Punjab and Anr. 2014 AIR (SCW) 2065,** we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of

justice, the subject criminal proceedings is required to be quashed and set aside. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, petition is allowed in terms of prayer clause (a). The proceedings of Criminal Case No.225 of 2014 pending before the learned Judicial Magistrate First Class, Phaltan arising out of the F.I.R. bearing C.R.No.188/2013 registered with Phaltan City Police Station, are quashed and set-aside subject to payment of costs of Rs.5,000/- by the petitioner to the "Kirtikar Law Library" . The applicant shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal writ petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.