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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1226 OF 2015

Rakesh Krishnarao Saidhane and Ors.	..Petitioners.
V/s.	
State of Maharashtra and Ors.	..Respondents.

Mr.Rajendra Anbhule for the petitioners.

Mr.J.P.Yagnik, APP for respondent-State.

Mr.Sudam Kale i/b. Mr.Nikhil Chavan for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 7TH DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned A.P.P. for the State.

2. This petition is filed by the petitioners under Article 226 of the Constitution of India and under the provisions of section 482 of the Code of Criminal Procedure, 1973 for quashing private complaint bearing RCC No.1359/2010 pending on the file of Judicial Magistrate First Class, Pune against the petitioners and one Mrs. Raksha Rakesh Saindhane, filed at the instance of respondent No.2 for the offences punishable under Sections 182, 192, 193, 195,

211, 120B read with Section 34 of the Indian Penal Code. The learned Judicial Magistrate First Class, Pune by an order dated 11th March, 2013 issued process against the petitioners for the offences stated hereinabove.

3. Pending investigation, the parties have amicably settled the dispute and have approached this Court for quashing said criminal proceedings by consent. Learned counsel for the parties make a statement that Mrs.Raksha Rakesh Saindhane is a non existing person and that she was made accused No.6 inadvertently and, therefore, she was not impleaded as a petitioner.

4. Respondent No.2 has filed an affidavit dated 7th December, 2015. In paragraph 7, he has stated that he has settled the dispute and he has no objection if the subject private complaint is quashed. Respondent No.2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.2 specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection if the subject private complaint is quashed. He also stated that he is giving no objection for quashing the said criminal proceedings out of free will and without there being any pressure or coercion.

5. The parties are related to each other. It seems that the subject private complaint is filed out of misunderstanding and the dispute is now settled between them and, therefore, the parties have decided to settle the matter pending in the Court of learned Judicial Magistrate First Class, Pune. In the circumstances, in our opinion, it would be in the interest of justice of both the parties to quash the said private complaint. The writ petition is accordingly allowed in terms of prayer clause (b). Consequently, the process issued against the petitioners in the said private complaint on 11th March, 2013 by the learned Judicial Magistrate First Class, Pune is set aside.

6. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)