

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 325 OF 2014

Mandar Dinesh Shroff.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. H. S. Shinde for the Applicant.

Mr. J. P. Yagnik, learned APP for the State.

Mr. Vikas Kapile for Respondent No. 2.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **February 12, 2015.**

P. C. :

1. Heard. This application is filed under section 482 of the Code of Criminal Procedure, 1973 for quashing the FIR No. 572 of 2014 registered with D. N. Nagar, Police Station. The said FIR is registered against the Petitioner at the instance of Respondent No. 2 for the offence punishable under sections 354, 506 and 509 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, parties have settled their disputes amicably and in view of the understanding arrived at between them, the Applicant has filed present application for quashing the FIR by consent.

3. Respondent No. 2 has filed her affidavit daed 29th September 2014. In paragraph 18 she has stated that in view of the amicable settlement between herself and the Applicant,

she wishes to give an end to the Court proceedings. In paragraph 19 she has given no objection for quashing the proceedings of said FIR. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said 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 FIR in question filed by her against the Applicant for the offence punishable under sections 354, 506 and 509 of the Indian Penal Code, 1860.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these 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). As the police machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/-, which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]