

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.281 OF 2015

Mr. Uday Shivram Marathe	..Applicant.
<u>Versus</u>	
State of Maharashtra & Anr.	..Respondents.

Mr. V.S.Kapse i/by Mr. Nikhil S. Rajeshirke, advocates for applicant.
Mr. Yogesh P. Rane, advocate for respondent no.2
Mrs. M.H.Mhatre, APP for State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.
Date : **24th AUGUST, 2015.**

P. C. :

Heard.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of Criminal Case being No.761/PS/2011 pending on the file of Additional Chief Metropolitan Magistrate, 5th Court at Dadar. The said case arises out C.R.No.26/2011 registered with Shivaji Park Police Station at the instance of respondent no.2 for the offences punishable under Sections 279 and 337 of the Indian Penal Code, 1860. Pending trial, parties have settled their disputes amicably and

have approached this Court for quashing the proceedings of the subject criminal case by consent.

3 Respondent no.2 has filed an affidavit dated 24.8.2015. In paragraph 3, he has given no objection to quash the proceedings of the subject criminal case. Respondent no.2 is personally present in the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject criminal case initiated by him against the Applicant for the offence punishable under Sections 279 and 337 of the Indian Penal Code, 1860.

4 Considering the nature of the offence as well as the no objection given by the respondent no.2, and in the light of the principles laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that continuation of the subject criminal case would cause great prejudice and hardship to the applicant and

would amount to abuse of process of the court.

8 Application is, accordingly, allowed in terms of prayer clause (a) subject to cost of Rs.5,000/- to be paid by the applicant. The applicant shall deposit the costs with Kirtikar Law Library and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]