

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1365 OF 2015

Anand Jaysing Gawade.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. P. A. Pol i/b Pol Legal Juris for the Petitioner.

Mrs. Kavita M. Pawar for Respondent No. 2.

Mrs. M. H. Mhatre, learned APP for the State.

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

Date : **July 8, 2015.**

P. C. :

1. Heard. The petition is filed for quashing the proceedings of criminal case No.709/PW/2015 pending on the file of the Metropolitan Magistrate, 24th Court at Borivali for the offence punishable under sections 354(D) and 507 of the Indian Penal Code, 1860 and 66A and 66D of the Information Technology Act, 2000. The said criminal case has arisen from the FIR No. 239 of 2014 dated 28th August 2014 registered with Charkop Police Station at the instance of Respondent No. 2.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of criminal proceedings, with the help and intervention of family members, friends and well-wishers, the

parties have amicably settled their differences by way of mutual settlement and pursuant to the said understanding arrived at, present petition is filed for quashing the above criminal proceedings, by consent of Respondent No. 2.

3. On 30th June 2015 when the above petition was placed for admission before this Court, Respondent No. 2 was present. On specific query, she submitted that she has no objection to quash the proceedings of the said CR. However, in order to enable the advocate for Respondent No. 2 to file vakalatnama and affidavit of Respondent No.2, matter was adjourned. Now, Respondent No. 2 has filed affidavit dated 2nd July 2015. In paragraph 5 she has given no objection to quash the criminal proceedings.

4. It can, thus, be seen that the matter has been amicably settled between the parties. 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. Accordingly, petition is made absolute in terms of prayer clause (a). However, in the facts of the present case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.30,000/-, 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 Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]