

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 304 OF 2015

Shri Ganesh Keshan & Anr.

..Applicants

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. S.S.Karmarkar for the Applicants

Ms. Reshma Apte for the Respondent No.2

Mrs.M.H.Mhatre, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 30, 2015.

P.C.

1. Heard. This application is filed invoking the inherent power of this court under the provisions of Section 482 of Cr.P.C. for quashing the proceeding of CR No. 18 of 2015 registered with Malad Police Station at the instance of Respondent No.2 for the offence punishable under Section 385, 504, 506(II) of IPC.
2. Pending investigation parties settled their dispute amicably and in pursuance of the understanding arrived at between them

approached this Court for quashing of the said C.R. by consent.

3. The respondent no.2 accordingly has filed affidavit dated 25th March, 2015. In paragraph 3 of the affidavit, he has given no objection for quashing the proceeding of the said criminal case.

4. Respondent No. 2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the 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 criminal proceedings in question initiated by him against the applicants for the offence punishable under sections 385, 504, 506(ii) of IPC.

5. It can thus be seen that the dispute between the parties is settled amicably. The allegation made against the petitioners is personal in nature and no element of public law is involved in the crime. In the 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.

6. 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.

7. Accordingly, application is allowed in terms of prayer clause (b).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the cancer hospital, namely Shanti Avedana Sadan, sitauted at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this application within a period of three weeks from receipt of this order. If the cost is not paid within the stipulated period, the application shall stand dismissed without further reference to the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)