

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

CRIMINAL WRIT PETITION NO. 1344 OF 2014

Mohit Deepak Kumbhoj

..Petitioner

v/s.

State of Maharashtra & Ors.

..Respondents

Mr. Karan Bhosale i/b. Neha Bhosale for the Petitioner.

Mr. J.P.Yagnik , APP for the Respondent/State.

Mr.Wasim Ansari for the Respondent Nos.2 and 3.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED :MARCH 19, 2015.**

P.C.

1. Heard learned Counsel for the petitioner.
2. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of FIR No.89 of 2012 registered with the L.T.Marg Police Station. The said FIR is registered at the instance of respondent no.2 against the petitioner and the other accused persons for the offence punishable under Sections 452, 427, 326, 143, 145,

147, 148, 149 of IPC, and Section 7 of the Criminal Law (Amendment) Act and Section 37(2) r/w. Section 135 of the Bombay Police Act.

3. Meanwhile, the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, filed the present petition for quashing of the said FIR No. 89 of 2012 by consent.

4. Respondent no.2 and respondent no.3 have filed separate affidavit dated 10.2.2015 and 14.2.2015 respectively, which are annexed at Exhibit B and Exhibit C to the petition. In para 3 of both the affidavits the respondent nos.2 and 3 have given no objection for quashing the proceeding of the subject FIR.

5. The respondent nos.2 and 3 have also filed common additional affidavit dated 18.3.2015. In para 2 they have stated that the petitioner is the main accused. They have further stated that if the FIR is quashed against the main accused, nothing will remain to be tried in respect of the other accused and therefore the FIR be quashed against all the remaining accused.

6. The respondent nos.2 and 3 were personally present in the

court yesterday on 18th March, 2015. We have personally verified whether they have any objection for quashing of the said FIR. They replied to our query by saying that the subject FIR be quashed against the petitioner as well as the other accused persons. Otherwise also, the petitioner being the main accused, no purpose would be served by keeping the proceeding alive against the other accused.

7. In view of the above circumstances, it can thus be seen that the dispute between the parties is settled. The allegation made against the petitioner is personal in nature and no 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.

8. 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.

9. Accordingly, petition is allowed in terms of prayer clause (a).
FIR No.89 of 2012 registered with the L.T.Marg Police Station is quashed and set aside.

9. As a condition precedent for this order to take effect, the petitioner shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the cancer hospital, namely **Shanti Avedana Sadan**, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this petition within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)