

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

CRIMINAL WRIT PETITION NO. 1527 OF 2015

Arman Lulla & Another

..Petitioners

v/s.

Senior Inspector, Amboli Police Stn.
& Ors.

..Respondents

Mr. Subodh Desai for the Petitioner.
Mrs.M.H.Mhatre, APP for the Respondent/State.
Mr.Jagannathan V. for the Respondent No.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 23, 2015.**

P.C.

1. Heard. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of CC No. 1482/PS/2010 pending on the file of the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai. The said case arises out of registration of C.R.No. 23 of 2010 with Amboli Police Station at the instance of the respondent no.2 for an offence punishable under Section 324, 504, 506 and 34

of the Indian Penal Code.

2. Pending trial, the parties settled their dispute amicably and in pursuance of the said understanding arrived at between them filed the present petition for quashing the proceedings of the said criminal case by consent.

3. Respondent No.2 has filed affidavit dated 23rd April, 2015. In para 4 of the said affidavit he has given no objection to quash and set aside the said criminal case. The 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 Petitioner for the offence punishable under sections 324, 504, 506 r/w. 34 of the Indian Penal Code, 1860.

4. It can thus be seen that the dispute between the parties is

settled. The allegation made against the petitioners 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.

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, petition is allowed in terms of prayer clause (b).

7. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10000/- (Rupees Ten Thousand Only) to the Tata Memorial Hospital, Mumbai and produce a copy of the receipt on the file of this petition within a period of two weeks from

receipt of copy of this order. If the cost is not deposited within period of two weeks from the date of receipt of this order, the order shall stand vacated.

9. Parties to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)