

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

CRIMINAL WRIT PETITION NO. 1544 OF 2015

Sattik Shantikumar Ghosh

..Petitioner

v/s.

Tejal Agnelo Baina & Anr.

..Respondents

Mr. J.A.Vithlani for the Petitioner.

Mr. Shrikant Sonkawade for the Respondent No.1.

Mr. S.K.Shinde, PP a/w. Mrs. P.H.Kantharia, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 17, 2015.

P.C.

1. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of FIR No. 67 of 2014, registered with Khar Police Station, at the instance of the respondent no.1 for the offence punishable under Section 279, 337 IPC and Section 134 A and B of the Motor Vehicles Act.

2. Pending investigation, the parties settled their disputes amicably and in pursuance of the said understanding arrived at between them, filed the present petition for quashing the proceeding of the said FIR by consent.

3. The respondent no.1 accordingly has filed affidavit in reply dated 17.4.2015. She has given no objection to quash and set aside the subject FIR.

4. Respondent No.1 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 279, 337 IPC and Section 134A and B of the Motor Vehicle Act.

5. 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.

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, petition 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 Kirtikar Law Library and produce a copy of the receipt on the file of this petition within a period of two weeks from receipt of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)