

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

CRIMINAL WRIT PETITION NO. 1585 OF 2015

Balu Shivaji Rajmane & Ors.

..Petitioners

v/s.

State of Maharashtra & Anr.

..Respondents

Mr. K.Y.Mandlik for the Petitioner.

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

Mr. V.R.Agandsurve, 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 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of CR No. 35 of 2015 registered with Tembhurni Police Station, Madha, Solapur, at the instance of the respondent no.2 for the offence punishable under Section 326A, 143, 147, 148, 149, 324, 323, 504, 506 of IPC.
2. Pending investigation the parties settled their dispute amicably

and in pursuance of the understanding arrived at between them, filed this petition for quashing and setting aside the proceeding of C.R.NO.35 of 2015 by consent. The respondent no.2 has filed affidavit dated 21.4.2015. In para 3 of the said affidavit he has given consent to quash the subject FIR. The affidavits are also filed by the injured witnesses namely Pramila Rajmane, Raghunath Rajmane and Ramakant Rajmane. The injured witnesses have also given no objection to quash the proceedings of the said CR. The respondent no.2 complainant as well as the injured witnesses are present in the court. On specific query they state that they state that they have no objection for quashing of the said C.R. They have submitted that they have made the said statement in the affidavit on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the criminal proceedings in question initiated by him/her against the Petitioner for the offence punishable under sections 326 A, 143, 147, 148, 324, 323, 504 and 506 of Indian Penal Code, 1860.

3. The parties are related to each other. 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. On the contrary the quashing of the said CR would bring harmony in the relations between the parties.

4. 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.

5. Accordingly, application/petition is allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.5000/- (Rupees Five 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 the date of receipt of the 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.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)