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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.1700 OF 2014**

Ajit Balkrishna Shrikhande

..Petitioner.

V/s.

State of Maharashtra and Anr.

..Respondents.

Mrs.Majula Rao for the petitioner.

Mrs.M.M.Deshmukh, APP for respondent-State.

Mr.R.A.Agashe for respondent No.2.

**CORAM : RANJIT MORE AND  
V.L.ACHLIYA, JJ.**

**DATED : 11TH DECEMBER, 2015**

**P.C. :-**

1. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned A.P.P. for the State. This petition is filed under Article 226 and 227 of the Constitution of India and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing Criminal Case No.279/PS/2013 pending on the file of 21<sup>st</sup> Metropolitan Magistrate Court, Bandra, Mumbai on the basis of F.I.R. bearing No.341/11 registered with Vakola police station, Mumbai at the instance of respondent No.2 against the applicant for the offences punishable under Sections 279 and 338 of the Indian Penal Code.

2. Pending trial, the parties amicably settled their dispute and have approached this Court for quashing the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 11<sup>th</sup> December, 2015. In the last paragraph, he has stated that he has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.2 specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. He also stated that he is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

3. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of

the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs at Rs.5,000/- to be paid by the petitioner to the Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

5. Subject to the above, the petition stands disposed of.

**(V.L.ACHLIYA, J.)**

**(RANJIT MORE, J.)**