

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

CRIMINAL WRIT PETITION NO. 1755 OF 2015

Gangadhar Karbhari Jadhav & Ors.

..Petitioners

v/s.

Balasaheb Pandharinath Dikhale & Anr.

..Respondents

Mr.Sanjiv A. Sawant for the Petitioner.

Mr.A.P.Deshmukh, for the Respondent No.2.

Mr. K.V.Saste, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 30, 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 and setting aside the proceeding of FIR No.55 of 2014 registered with Sarkarwada Police Station, Nashik, at the instance of the respondent no.1 for the offence punishable under Sections 420, 464, 465, 467, 468, 471, 481, 177, 191, 192, 193, 120B r/w. 34 of IPC.

2. The respondent no.1 filed Special Civil Suit No. 1439 of 2012 before the Court of Civil Judge, Senior Division, Nashik, against the petitioners in respect of the documents as well as the property in question. The dispute between the parties is settled amicably and the parties accordingly filed pursis before the Civil Court at Nashik. The respondent no.1 has also filed affidavit before this court dated 29.4.2015.

3. In paragraph 3 of the affidavit, he has given consent to quash and set aside the private complaint No.M.A.971 of 2012 before the Chief Judicial Magistrate, Nashik and for quashing the FIR No.55 of 2014 dt.18.2.2014 filed before the Sarkarwada police station.

4. Respondent No.1 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 Petitioners for the offence punishable under sections 420, 464, 465, 467, 468, 471, 481, 177, 191, 192, 193, 120B r/w. 34 of IPC.

5. 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 element of 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 (a). The private complaint No.M.A.971 of 2012 pending before the Chief Judicial Magistrate, Nashik and the FIR No.55 of 2014 dt.18.2.2014 filed before the Sarkarwada Police station, Nashik 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 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.)