

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

CRIMINAL WRIT PETITION NO. 1771 OF 2015

Udaykumar Natwarlal Dave & Anr. ..Petitioners

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Akhilesh Singh for the Petitioner.
Mr.Ajay Pai 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 Criminal Case No.1899 of 2014 pending on the file of the Addl. Chief Metropolitan Magistrate's 9th Court at Bandra, Mumbai. The said case arises out of registration of FIR No.47 of 2014 at the BKC Police Station, Mumbai, at the instance of respondent no.2 for the offence

punishable under Section 420, 464, 468, 471 r/w. 34 of IPC.

2. After completion of investigation chargesheet was filed before the 9th Court, Bandra, Mumbai.

3. Pending trial, parties settled their disputes amicably and in pursuance of the amicable settlement arrived at between them have approached this court for quashing the proceeding of the said criminal case by consent.

4. The respondent no.2 accordingly has filed affidavit dated 24.4.2005. In para 6 of the affidavit she has given no objection to quash and set aside criminal proceeding bearing C.C.No.1899 of 2014 pending on the file of Addl. Chief Metropolitan Magistrate's 9th Court, Bandra, Mumbai.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that he 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 420, 464, 468, 471 r/w. 34 IPC.

6. 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.

7. 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.

8. 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.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 three weeks from today. If the

cost is not paid within the stipulated time, the petition shall stand dismissed without further reference to the court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)