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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.427 of 2015

Ganesh Bhalerao Patil

..Applicant.

V/s.

State of Maharashtra and Ors.

..Respondents.

Mr.A.K.Prajapati for the applicant.

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

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

DATED : 11TH DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicant, learned A.P.P. for the State and respondent No.2 in person. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the subject Criminal Case No.172043/PW/2015 pending on the file of 17th Metropolitan Magistrate Court, Borivali, Mumbai on the basis of F.I.R. bearing No.82/2015 registered with Vanrai police station, Mumbai at the instance of respondent No.2 against the applicant for the offence punishable under Section 420 of the Indian Penal Code.

2. Pending trial, the parties have 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 17th June, 2015. In paragraph 15, he has stated that he has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. 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 subject criminal case is 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 application is made absolute in terms of prayer clause (a) subject to payment of cost of Rs.5,000/- by the applicant, to be deposited with the Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The applicant shall pay the said cost and produce the receipt thereof on the file of this Criminal Application within a period of four weeks from today, failing which the petition shall stand dismissed automatically without further reference to the Court.

5. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)