

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

CRIMINAL WRIT PETITION NO. 1925 OF 2015

Pratik Sanjay Bhosale

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. R.V.Pawar for the Petitioner.

Mr. N.V.Sawant for the Respondent No.2.

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

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 01, 2015.**

P.C.

1. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of the Criminal Case No.274/PW/2014 pending on the file of the Metropolitan Magistrate's 53rd Court, Mulund, Mumbai. The said case arises out of registration of C.R.No. 46 of 2014 with Kanjurmarg Police Station, at the instance of the respondent no.2 for the offences punishable under Section 354(a)(d) of Indian Penal

Code.

2. The petitioner and the respondent no.2 thereafter settled the dispute amicably. The respondent no.2 accordingly has filed affidavit dated 19th June, 2015. In paragraph 4 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

3. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she 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 354(a)(d) of the Indian Penal Code, 1860.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioner 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.

5. 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.

6. Accordingly, 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 Central Police Welfare Fund, Account No. 914010029005759, Axis Bank, IPS Code UTIB0000060 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.)