

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

CRIMINAL APPLICATION NO. 563 OF 2015

Gopal Khatri

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Subhash Hulyalkar for the Applicant.

Ms.Gudiya Gupta for the Respondent No.2.

Mrs M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 23, 2015.**

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under the provisions of Section 482 of Cr.PC. for quashing the proceeding of the Criminal Case being STC No. 244 of 2002 pending before the JMFC, Pimpri Court, at Pune. The said case arises out of C.R. No 251 of 2001 registered at the instance of respondent no.2 with the Pimpri Police Station, Pune for the offences punishable under Sections 354, 506A, 323, 504, 427 r/w. 34 of IPC.

2. Pending trial, parties settled their disputes amicably and pursuant to the understanding arrived at between them, approached this court by filing the present application for quashing and setting aside the criminal case arising out of C.R.No.251 of 2001.

3. The respondent no.2 accordingly has filed affidavit dated 17th June, 2015. In paragraph 8 thereof, no objection is given for quashing the proceeding of the said C.R.

4. 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 applicant for the offence punishable under sections 354, 506(1), 323, 504, 427, 34 of the Indian Penal Code, 1860.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicant 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, application 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 cancer hospital, namely **Shanti Avedana Sadan**, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this application/petition within a period of two weeks from today

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)