

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 583 OF 2015

Wind World Private Limited
and Others.

..Applicants.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Rakesh D. Dave for the Applicants.

Mr. K. V. Saste, learned APP for the State.

Mr. S. V. Abhang i/b Lex Credence for Respondent No. 2.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 8, 2015.**

P. C. :

1. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicant has sought to quash the proceedings of RCC No. 402259 of 2015 pending on the file of JMFC(AC) Pune. Consequent to the order made by the Magistrate under section 156(3) of the Code at the instance of Respondent No. 2, FIR No. 14 of 2014 dated 8th December 2012 registered by Deccan Police Station against the Applicants.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of criminal proceedings before the trial Court, with the help and intervention of friends and well-

wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the said understanding arrived at, present application is filed for quashing the above proceedings, by consent of Respondent No.2.

3. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 has filed an affidavit dated 7th July 2015. In paragraph 1 and 2 of the said affidavit, he has stated that Respondent No. 2 does not have any objection to quash and set aside the order dated 3rd December 2014 passed by the Magistrate under section 156(3) and also to quash and set aside consequent FIR bearing No. 14 of 2014 registered with Deccan Police Station, Pune and proceedings of RCC No. 402257 of 2015 pending on the file of JMFC(AC), Pune.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said 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 Respondent No.2 against the Applicants.

5. 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 crime. 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 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. Accordingly, application is allowed in terms of prayer clause (a). However, we find that as the police machinery and Court machinery was used by the parties to settle private disputes, it would be appropriate to saddle the Applicants Petitioner with the cost of Rs.25,000/-, which shall be paid to the **“Shanti Avedna Sadan”** an

institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicants shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]