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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.580 OF 2013

1.Saifuddin Abdulkadar Lokhandwala	
2.Hajilal Shabbir Shaikh	Applicants
versus	
1.State of Maharashtra	
2. Imitiaz Beg	Respondents

Mr. S. S. Musale i/b. Mr. Subhash Hulyalkar, advocate for the applicants.
Mrs. M. H. Mhatre, APP for the State.
Mr. S. C. Wakankar i/b. Mr. Santaram Tarale, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 9th APRIL, 2015.

P.C.:

The applicants have approached this Court invoking the jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the proceedings of C.R. No.304 of 2013 registered with Loni Kalbhor Police Station, Pune Rural against them at the instance of respondent No.2 for the offences punishable under Section 467, 468, 471, 420 , 447 and 506 of the Indian Penal Code.

2. Pending investigation, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the said criminal case

by consent. Respondent No.2 has filed an affidavit dated 1st March, 2014. In paragraph 7, he has stated that he has no objection for quashing the proceedings of the said C.R No. 304 of 2013 registered with Loni Kalbhor Police Station, Pune Rural. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, for quashing and setting-aside the aforesaid CR. He also stated that he is giving no objection for quashing the said proceedings 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 **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. 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. 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25000/- by the applicants to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. The applicants shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the application shall stand dismissed without any further reference to the Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)