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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2515 OF 2015**

Mr. Nikhil S/o. Sanjay Agaldare and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Ashok M. Saraogi, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. V. S. Bansode, advocate for respondent No.2.

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

DATED : 3rd JULY, 2015.

P.C.:

Heard Mr.Saraogi, learned counsel for the petitioners,
Mr. Saste, learned APP for the State and Mr. Bansode, learned counsel
for respondent No.2.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing FIR No.194 of 2015 registered with Dadar Police Station, at the instance of respondent No.2, for the offence punishable under Sections 326 and 34 of the Indian Penal Code, 1860. The said FIR is lodged against the petitioners and two unknown persons.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 27th June, 2015. In paragraph 2, he has given no objection for quashing the proceedings of the said FIR against the petitioners and other accused. 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, if the proceedings arising out of the said FIR are quashed and set-aside. 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.

4. 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 law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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 criminal proceedings against the petitioners and other two accused are 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of Rs.10,000/- by each of the petitioner to Tata Memorial Hospital towards costs and produce receipts thereof on the file of this petition within a period of two weeks from today, failing which, the petition shall automatically stand dismissed without further reference to the Court.

6. Subject to above, the writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)