

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

CRIMINAL APPLICATION NO. 652 OF 2014

Harpreetsingh Inderjitsingh Ahluwalia
& Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Subhash Hulyalkar for the Petitioner.

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

Mr.S.S.Musale for the Respondent No.2.

Mr.Vaibhav Gaikwad, PSI Deccan Police Statiion, Pune City present.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JANUARY 21, 2015.

P.C.

1. This application is filed under the provisions of Section 482 of Cr.PC. for quashing the proceeding under C.R.No.179/2013 registered with the Deccan Police Station, Pune City, District Pune for the offence punishable under Section 420 r/w. 34 of the IPC, at the instance of the respondent no.2.
2. The parties have settled their dispute and in pursuance to the

understanding between them, applicants have filed this application to quash the proceedings of the said FIR by consent. The respondent no.2 has filed affidavit in reply dated 10th November, 2014. In paragraph 8 of the affidavit he has stated that he has no objection for quashing the proceeding of the above referred FIR. The respondent no.2 is personally present in the court. On specific query he states that he has no objection to quash the FIR lodged by him vide C.R.No.179/2013. He has further made the statement that he has filed the affidavit on his own free will, without there being any pressure or undue influence and confirms that he has no objection for quashing the criminal proceeding in question initiated by him against the applicant for offence under section 420 of IPC.

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 crime. 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.

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, application is allowed in terms of prayer clause (a).

6. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.10,000/- to the Central Police Welfare Fund, DGP, Maharashtra State, Mumbai having No. 914010029005759, IFSC-UTTB 0000060, Axis Bank, Worli, Mumbai and produce a copy of the receipt on the file of this application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)