

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

CRIMINAL WRIT PETITION NO. 2726 OF 2015

Mr. Minal Mahadev Naik

..Petitioner

v/s.

State of Maharashtra & Ors.

..Respondents

Mr. Prakash Naik i/b. Ganesh Bhujbal for the Petitioner.

Mr. Kamlesh Mali & Pawan Mali for the Respondent No.2.

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

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JULY 13, 2015.

P.C.

1. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of CR No. 3318/2014 registered at the instance of respondent no.2 with Hinjwadi Police Station for the offence punishable under Section 279, 337, 427 of I.P.C. r/w. Section 184 of the Motor Vehicles Act, 1988.

2. Pending investigation parties settled their dispute amicably and

have approached this Court for quashing the said FIR be consent.

3. The respondent no.2 , 3 , 4 and 5 have filed affidavits dated 13.7.2015. In paragraph 4 of these affidavits, no objection is given for quashing the proceeding of the said C.R. No.3318/2014 registered with Hinjwadi Police Station, Pune.

4. Respondent No.2 Complainant, and respondent nos.3 to 5 the injured eye witnesses are personally present before the Court. On specific query made by us, they submitted that they have made the statement in the affidavit on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the criminal proceedings in question initiated by them against the Petitioner for the offence punishable under sections 279, 337, 427 of IPC r/w. 184 of the M.V.Act.

5. It can thus be seen that the dispute between the parties is amicably settled. The allegation made against the petitioner 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, petition 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 Tata Memorial Hospital, Mumbai, and produce a copy of the receipt on the file of this petition within a period of three weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)