

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

CRIMINAL APPLICATION NO. 671 OF 2015

Charan Sudam Rasal & Ors.

..Applicants

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. B.G.Tangsali for the Applicant.

Mr.S.H.Joshi for the respondent No.2

Mrs.M.H.Mhatre, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JULY 28, 2015.

P.C.

1. Heard. This application is filed under the provisions of Section 482 of Cr.PC. for quashing the proceeding of FIR No.I-128 of 2015 registered with Ambernath Police Station, Thane , at the instance of respondent no.2 for the offences punishable under Section. 307, 142, 147, 148, 149, 108 of I.P.C. And 37(1), 135 of the Bombay Police Act.

2. Pending investigation, parties settled their disputes amicably

and in pursuance of the understanding arrived between them approached this Court for quashing the subject FIR by consent.

3. Respondent no.2, original complainant and injured witness has filed affidavit dated 17th July, 2015. In paragraph 5 of the affidavit, no objection is given for quashing the proceeding of the said FIR.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has been explained the contents of the application and the affidavit in vernacular. He submitted he has made the said statement in the 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 him against the applicant for the offence punishable under Section. 307, 142, 147, 148, 149, 108 of I.P.C. And 37(1), 135 of the Bombay Police Act.

5. We have perused the FIR as well as the medical certificate. Though the FIR is registered under the provisions of Section 307 of IPC, the medical certificate reveals that the injuries sustained by the respondent no.2 are simple in nature. In our view, no offence under Section 307 of I.P.C. Is disclosed.

6. In the circumstances, it can be seen that the dispute between the parties is settled. The allegation made against the applicants is personal in nature and no element of public law is involved in the crime. 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.

7. 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.

8. Accordingly, application 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.15000/- (Rupees Fifteen Thousand Only) to the cancer hospital, namely **Shanti Avedana Sadan**, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050

and produce a copy of the receipt on the file of this application within a period of three weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)