

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

CRIMINAL WRIT PETITION NO. 2837 OF 2015

Shri Datta Suryakant Chavan

..Petitioners

v/s.

State of Maharashtra & Anr.

..Respondents

Mr. V.V.Pethe for the Petitioner.

Mr.Ashish Sawant i/b. Sameer Mangaonkar for the Respondent No.2

Mr. K.V.Saste, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JULY 22, 2015.

P.C.

1. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the FIR qua the petitioner in C.R.No.323 of 2009 regiostered with Kalwa Police Station, Thane. The said FIR is registered at the instance of the respondent no.2 against the accused persons including the present petitioner.

2. Pending investigation the petitioner and the respondent no.2 settled the dispute amicably and have approached this Court for quashing the same. The respondent no.2 accordingly has filed affidavit dated 22nd July, 2015. In paragraph 3 of the affidavit, no objection is given for quashing the proceeding against the petitioner.

3. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that 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 Petitioner for the offence punishable under sections 143, 147, 323, 504, 506 (2) of the Indian Penal Code.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners 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.

5. 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.

6. Accordingly, petition is allowed in terms of prayer clause (b).

7. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.5000/- (Rupees Five Thousand Only) to the Kirtikar Law Library, High Court, Bombay and produce a copy of the receipt on the file of this petition within a period of two weeks from today

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)