

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

CRIMINAL WRIT PETITION NO. 2857 OF 2015

Ritu Kishore Bhatia & Ors.

..Petitioners

v/s.

The State of Maharashtra .

..Respondents

Mr. Mahesh Vaswani i/b. Vijay Moti Advani for the Petitioner.
Mrs. S.V.Sonawane, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 21, 2015.**

P.C.

1. This petition is filed under Article 226 of the Constitution of India by the accused, complainant and the injured witnesses jointly for quashing and setting aside the FIR bearing CR No. 58 of 2015 registered with Colaba Police Station for the offence punishable under Section 337, 452, 504, 506 r/w. 34 I.P.C.

2. The petitioner nos.1 and 2 are the accused, petitioner no.3 is the original informant and the petitioner nos.4 and 5 are the injured persons. During pendency of investigation the petitioners settled

their dispute amicably and have approached this court for quashing the subject FIR. They have filed joint affidavit dated 26th June, 2015. In para 5 of the affidavit no objection is given for quashing the subject FIR.

3. The petitioner no.3 is personally present in the court. She confirms and re-affirms what is stated in the petition. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject CR.

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, 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.5000/- (Rupees Five Thousand Only) to the Kirtikar Law Library 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.)