

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

CRIMINAL WRIT PETITION NO. 2878 OF 2015

Jwala Sing @ Kanayya Ramesh Singh
& Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ashish Dubey for the Petitioner.

Mr.S.V.Marwadi I.b. K.S.Garg for the Respondent No.2

Mrs.P.H.Kantharia, 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 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of CR No. 339 of 2015 registered with Samta Nagar Police Station, at the instance of respondent no.2 for the offence punishable under Section 326, 427 r/w. 34 IPC and Section 37(1) r/w. Section 35 of the Bombay Police Act.

2. Pending investigation parties settled their dispute amicably and

have approached this Honourable Court to quash and set aside the proceeding of the said C.R.

3. The respondent no.2 accordingly has filed affidavit dated 21.7.2015. In paragraph 2 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

4. 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/her against the Petitioner for the offence punishable under sections 326, 427 r/w. 34 IPC and Section 37(1) r/w. Section 35 of the Bombay Police Act.

5. 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.

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 petitioners shall pay costs of Rs.10000/- (Rupees Ten 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.)