

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

CRIMINAL APPLICATION NO. 781 OF 2015

Harendra Kapildev Saha ..Applicant

v/s.

State of Maharashtra & Ors. ..Respondents

Mr. Omkar G.Nagvekar for the Applicant.
Mr.Prashant Badole for the Respondent No.2
Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : AUGUST 14, 2015.**

P.C.

1. Heard. This application is filed under the provisions of Section 482 of Cr.PC. for quashing and setting aside FIR bearing No.I-20 of 2015 registered with Powai Police Station, at the instance of respondent no.2 for the offences punishable under Section 279, 338, 323 and 504 of the Indian Penal Code.

2. Pending investigation, parties settled their dispute amicably and

have approached this Honourable Court to quash and set aside the subject FIR by consent. The respondent no.2 accordingly has filed affidavit dated 14.8.2015. In paragraph 3 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

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 applicant for the offence punishable under sections 279, 338, 323 and 504 of the Indian Penal Code, 1860.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicant 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.10000/- (Rupees Ten Thousand Only) to the Kirtikar Law Library and produce a copy of the receipt on the file of this application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)