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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.783 OF 2015

1. Vinod Manohar Vaity,
 2. Omkar Shashikant Bhoir,
 3. Tejas Nandkumar Vaity,
 4. Vivek Krishna Vaity
- ..Applicants.

V/s.

1. The State of Maharashtra,
 2. Pandurang Bajrang Lendave
- ..Respondents.

Mr.B.G. Tangsali for the applicants.

Mrs.M.M.Deshmukh, A.P.P. for the respondent-State.

Mr.Onkar Nagvekar for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 20TH AUGUST, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and the learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceeding of Criminal Case No.373/2015 pending on the file of learned Judicial Magistrate First Class, Thane. The said criminal case arises out of F.I.R. No.I-196/14 registered with Kapurbawdi Police Station at the instance of respondent No.2 against the

applicants for the offences punishable under Sections 392, 323, 504, 427 read with Section 34 of the Indian Penal Code.

2. During the pendency of the said criminal case, the parties approached this Court for quashing the proceedings in the subject Criminal Case by consent since they have amicably settled their dispute. Respondent No.2 has filed an affidavit dated 18th August, 2015. In paragraph 4, he has stated that he has no objection if the said Criminal Case No.373 of 2015 is quashed. Respondent No.2 is personally present before the Court. The complainant is identified by his Advocate. On a specific query by the Court, respondent No.2 states that he has gone through his affidavit and has fully understood the contents thereof and has no objection if the criminal case is quashed. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of

the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the application is made absolute in terms of prayer clause (b) subject to payment of cost to be paid by the applicants. The cost quantified at Rs.25,000/- is to be paid by the applicants to the Mumbai Police Welfare Bank and deposited with the Axis Bank, D.B.Marg Branch, Mumbai Account No.465010100008693, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

5. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)