IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3165 OF 2015

Mr.Rajendra Kunwarbahadur Srivastav ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. A.M.Saraogi for the Petitioner.
Mr. Abhijeet K. Naik a/w. Rajesh Khobragade for the Respondent No.2.
Mrs.U.V.Kejriwal, APP for the Respondent/State.

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

P.C.

1. Mr. Saraogi, learned Counsel for the petitioner at the outset seeks leave to amend the petition so as to give the particulars of criminal case. Leave granted. Necessary amendment be carried out forthwith.

2. The learned Counsel for the respondent gives undertaking to file Vakalatnama within one week. Undertaking accepted.

3. Heard. This petition is filed under Article 226 of the

Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of Sessions Case No. 29 of 2013 arising out of FIR No.130 of 2009 with Colaba Police Station at the instance of respondent no.2 for the offence punishable under Section 506(2) of IPC and Section 3(1)(10) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

4. Pending trial, parties settled their dispute amicably and have approached this Court for quashing and setting aside the said criminal proceeding by consent.

5. The respondent no.2 has filed affidavit dated 14th August, 2015. In para 3 of the affidavit he has given no objection for quashing the proceeding of the said criminal case.

6. 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 alleged offence.

7. It can thus be seen that the dispute between the parties is

settled. The allegation made against the petitioner 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.

8. 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.

9. Accordingly, petition 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, High Court, Bombay and produce a copy of the receipt on the file of this application/petition within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.) **(RANJIT MORE, J.)**