

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 787 OF 2015

Pradeep Kiranpal Taak.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. H. S. Shinde for the Applicant.

Mr. K. V. Saste, learned APP for the State.

Mr. Balaji Kawale for Respondent No. 2.

Coram : RANJIT MORE &
R. G. KETKAR, JJ.

Date : **October 16, 2015.**

P. C. :

1. This is the application under section 482 of the Code of Criminal Procedure, 1973, whereunder the Applicant has sought to quash and set aside the proceedings of criminal case, being CC No.1372/PW/2015 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court at Andheri, Mumbai. At the instance of Respondent No.2, FIR/CR No.351 of 2014 came to be registered with Oshiwara Police Station against the Applicant for the offence punishable under section 324 of IPC. When the charge-sheet was filed, the proceedings came to be numbered as CC No. 1372/PW/2015.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of trial, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement. Pursuant to the understanding arrived at between the parties, present application is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

3. Affidavit dated 16th October 2015 has been filed by Respondent No.2 – informant and only injured person. In paragraph 8 of the said affidavit, he has stated that he is not interested in continuing with the criminal case against the Applicant as it will spoil friendly relations between them. He has solemnly affirmed that he has no objection for quashing the proceedings of the subject criminal case.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that he has made the said 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 324 of the Indian Penal Code, 1860.

5. 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 crime. 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 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. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.3,000/-, which shall be paid to the “**Shanti Avedna**

Sadan” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]