

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

CRIMINAL APPLICATION NO. 800 OF 2015

Shri Sadanand Gangaram Kadam ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. S.S.Karmarkar for the Applicant.

Mr. Mr. Subhash Samukhrao i/b. Reshma Apte for the Respondent No.2.

Mrs. M.H.Mhatre, APP for the Respondent/State.

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

P.C.

1. At the outset, learned Counsell for the petitioner seeks leave to amend the prayer clause so as to correct the number of the criminal case. Leave granted. Necessary amendment to be carried out forthwith.

2. Heard.

3. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing and setting aside the proceeding of Criminal Case No. 1679/PW/2010 pending on the file of the ld. Addl. Metropolitan Magistrate's 22nd Court, Andheri, Mumbai. The said case arises out of registration of C.R. No.552 of 2009 with MIDC Police Station, Mumbai, at the instance of respondent no.2 for the offence punishable under Section 506(II) of the Indian Penal Code.

4. Pending trial, parties settled their dispute amicably and have approached this Honourable Court to quash and set aside the subject Criminal proceeding by consent. The respondent no.2 accordingly has filed affidavit dated 14.8.2015. In paragraph 5 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

5. 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 506(II) of the Indian Penal Code, 1860.

6. 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.

7. 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.

8. Accordingly, application is allowed in terms of prayer clause

(b).

9. As a condition precedent for this order to take effect, the applicant shall pay costs of Rs.5000/- (Rupees Five Thousand Only) to Kirtikar Law Library and produce a copy of the receipt on the file of this application within the period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)