

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3503 OF 2015

Shivaji Bhimappa Sonar

..Petitioner.

Versus

The State of Maharashtra & Anr.

..Respondents.

Mr. Suresh Dubey, advocate for petitioner.

Mrs. M.M.Deshmukh, APP for the State.

Mr. S.G.Mahamuni, advocate for respondent no.2.

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

Date : **2nd September, 2015.**

P. C. :

Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel for respondent no.2

2 This petition is filed under Article 226 of the
Constitution of India read with the provisions of Section 482 of the
Code of Criminal Procedure, 1908 to quash and set aside the
proceedings of the Criminal Case No.269/PW/2011 pending on the
file of learned Additional Chief Metropolitan Magistrate, 49th Court,
Vikroli, Mumbai. The said case arises out of registration of the F.I.R.
bearing C.R.No.13 of 2011 with Ghatkopar Police Station for the

offence punishable under Sections 324, 504 and 353 of the Indian Penal Code, 1860.

3 Pending trial, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent.

4 Respondent no.2 has filed affidavit dated 27.8.2015. In paragraph 2 of it, he has stated that disputes between the parties are settled and he wants to maintain good relations with the petitioner. He has also stated that in view of the settlement, he does not wish to proceed with the case against the petitioner. Respondent no.2 is personally present in the Court. On specific query made by us, he 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 Petitioner.

5 In the light of the principles laid down by the Apex

Court 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 the subject criminal proceedings.

6 Accordingly, petition is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we deem it fit to saddle the petitioner with the cost of Rs.10,000/-, which shall be paid to the “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients.

7 For the quashment to take effect, the petitioner 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, petition shall stand dismissed automatically without further reference to the Court and the order quashing the subject criminal proceedings shall be treated as *non-est*.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]