

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 978 OF 2015

Kamlesh B. Mishra & Another. ..Applicants.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. R. P. Khobragade for the Applicants.

Mrs. S. V. Sonawane, learned APP for the State.

Mr. I. B. Singh for Respondent No. 2.

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

Date : **October 16, 2015.**

P. C. :

1. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash and set aside the proceedings of RCC No.411194 of 2015 pending on the file of JMFC, 9th Court, Thane. Quashment is sought with the consent of original complainant - Respondent No.2 herein. At the instance of Respondent No.2 offence being CR No.I-218 of 2015 was registered with Mira Road Police Station for the offence punishable under sections 324, 336 and 504 read with 34 of IPC. When after investigation police filed charge-sheet, the proceedings came to be numbered as RCC No. 411194 of 2015.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of trial, with the help and

intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the same, present application is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

3. Respondent No.2–original complainant has filed an affidavit dated 28th September 2015. In the said he has stated that in view of the amicable settlement of the disputes, he does not wish and desire to proceed further with the matter and CR and subject proceedings filed by him may be quashed.

4. Respondent No.2 is personally present before 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 subject criminal proceedings question initiated by him against the Applicants for the offence punishable under sections 324, 336 and 504 read with 34 of IPC 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 proceedings alive except ultimately 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 subject criminal proceedings. Accordingly, application is allowed in terms of prayer clause (b). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.5,000/-, 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 Applicants 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 shall be treated as *non-est*.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]