

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No. 979 OF 2015

Alpesh Laxman Vaghashiya. ..Applicant.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. R. P. Khobragade for the Applicant.
Mrs. M. H. Mhatre, 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. Heard. By this application under section 482 of the Code of Criminal Procedure, 1973 , the Applicant is seeking to quash and set aside the proceedings of Sessions Case No. I-493 of 2014 pendig on the file of Sessions Judge, Thane. The said proceeding is the result of FIR / CR No. I-493 of 2014 registered with Mira Road Police Station against the Applicant at the instance of Respondent No.2. Though FIR was registered for the offence punishable under sections 307, 394 and 452 read with 34 of IPC, the Applicant has been charge-sheeted for the offence punishable under sections 394 and 452 read with 34 of IPC.

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 she has stated that in view of the amicable settlement of the disputes, she does not wish and desire to proceed further with the matter and CR and subject proceedings filed by her against the Applicant may be quashed and set aside.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject criminal proceedings initiated by her against the Applicant, being FIR No.I-493 of 2014 registered with Mira Road Police Station and resultant Sessions Case No. 43 of 2015 pending before the Sessions Judge, Thane.

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.]