

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3850 OF 2014

Dashrath Rajaram Patil.

..Petitioner.

Versus

Chhaya C. Wazulkar and Another.

..Respondents.

Mr. Samir A. Vaidya for the Petitioner.

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

Mr. Digajman Mishra for Respondent No. 1.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **August 3, 2015.**

P. C. :

1. The petition is filed for quashing the proceedings of CC No. 794/PW/2014 pending on the file of Additional CMM, 31st Court, Vikhroli. The said case has arisen from CR No. 19 of 2014 registered with ParkSide Police Station at the instance of Respondent No. 1 for the offence punishable under section 504, 506 and 324 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of criminal proceedings, the parties have amicably settled their differences by way of mutual settlement and recorded the same in the consent terms. They

tendered consent terms. Consent terms are signed by the Petitioner and Respondent No. 1 and by their respective advocates.

3. Parties are personally present before the Court. They submitted that they have settled their disputes amicably and recorded the consent terms. In view of this, consent terms are taken on record and marked "X" for identification.

4. Respondent No.1 is personally present before the Court. On specific query made by us, she submitted that she has made the said consent terms 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 criminal proceedings in question initiated by her against the the Petitioner.

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, petition is made absolute in terms of prayer clause (a).

However, we find it would be appropriate to saddle the the Petitioner with the cost of Rs.10,000/-, 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 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 order quashing the proceedings shall be treated as *non-est*.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]