

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1041 OF 2014

Shaila Shabaji Patil (Khatale).

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. S. P. Dighe for the Applicant.

Mr. Chetan S. Damre for Respondent No. 2.

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

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

Date : **March 30, 2015.**

P. C. :

1. Heard. The application is filed invoking the inherent jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of RCC No. 1230 of 2013 pending on the file of JMFC, Nashik for the offence punishable under sections 420 and 406 read with 34 of the Indian Penal Code, 1860. The said proceeding has arisen from the FIR No.40 of 2012 registered with Sarkarwada Police Station. The said FIR is registered pursuant to the order made by JMFC, Nashik under section 156(3) of the Code on the complaint of Respondent No.2.

2. The learned Counsel appearing for the respective parties submitted that parties have settled all their disputes and pursuant to the understanding arrived at between them, the

present application is filed for quashing the aforesaid criminal proceedings, by consent.

3. The original complainant-Respondent No.2 herein has filed an affidavit before this Court. In paragraph 3 and 4 of the said affidavit he has stated that all disputes between himself and the Applicants have been settled and he does not wish to pursue any legal proceedings against the Applicants and he has no objection for quashing the proceedings of RCC No.1230 of 2013 pending before the JMFC, Nashik.

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 criminal proceedings in question initiated by him against the Applicants, being RCC. No. 1230 of 2013 pending on the file of JMFC, Nashik.

5. Parties have placed on record the report of the Mediation Center, Nashik. The said report shows that disputes between the parties are successfully settled. Consequently, parties entered into compromise and filed settlement terms before the Sessions Judge, Nashik. The learned Counsel appearing for the respective parties submitted that those consent terms are duly complied with.

6. 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. Even otherwise the offences alleged are compoundable under section 320 of the Code of Criminal Procedure, 1973. 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.

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 (a).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]