

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4152 OF 2015

Chetan Ramniklal Shah.

..Petitioner.

Versus

Smt. Jyotika Padam Ratanpal and Another...Respondents.

Mr. R. B. Mokashi for the Petitioner.

Ms. M. H. Mhatre, learned APP for the State.

Ms. P. C. Contractor for Respondent No.1.

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

Date : **October 30, 2015.**

P. C. :

1. Heard. By this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, the Petitioner has sought to quash the proceedings of Case No.486/PS/2015 pending on the file of Metropolitan Magistrate, 62nd Court, Bhoiwada, Dadar, Mumbai. The said proceeding is the outcome of FIR bearing No.148 of 2014 registered with Worli Police Station against the Petitioner at the instance of Respondent No.1. The allegations against the Petitioner are regarding the commission of offence punishable under sections 353 and 509 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of above proceeding-trial, the

parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above criminal proceedings, by consent of Respondent No.1.

3. Affidavit dated 14th October 2015 has been filed by Respondent No.1. In paragraph 4 of the said affidavit, she has stated that she is not interested in continuing with the criminal prosecution of the Petitioner. She has solemnly affirmed that she is withdrawing all the allegations made against and that she has no objection for quashing the proceedings of the criminal case against the Petitioner.

4. Respondent No.1 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 criminal proceedings in question initiated by her against 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 case. 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 subject criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (b). However, in the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.20,000/-, 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/FIR shall be treated as *non-est*.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]