

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 4194 OF 2015**

Nitin Gopalkrishna Pillai.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. M. V. Thorat for the Petitioner.

Mr. S. K. Gaud for Respondent No. 2.

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

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

Date : **October 20, 2015.**

P. C. :

1. By this writ petition under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973 , the Petitioner is seeking to quash and set aside proceedings of CC No. 639/PW/2013 pending on the file of Metropolitan Magistrate, 9<sup>th</sup> Court at Bandra, Mumbai, wherein the Petitioner is being prosecuted for the offence punishable under sections 279 and 337 of IPC and section 134(a) (b) of the Motor Vehicles Act, 1987. The said proceedings is the result of FIR being CR No. 114 of 2013 registered with Mahim Police Station, Mumbai at the instance of Respondent No. 2 herein.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of trial of criminal proceedings, 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 understanding arrived at between them, the instant petition is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

3. Affidavit dated 19<sup>th</sup> October 2015 has been filed by Respondent No.2, wherein 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 the Petitioner in the said FIR and that she has no objection for quashing the proceedings of the criminal case No. CC No. 639/PS/2013.

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 criminal proceedings in question initiated by her against the Petitioner as per her FIR bearing No. 114 of 2013 registered with Mahim Police Station.

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 proceeding. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle 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/FIR shall be treated as *non-est*.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]