

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1059 OF 2013

Amarjit Jasvinder Matharu. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Suresh Dubey for the Applicant.

Mr. M. R. Deshpande for Respondent No. 2.

Mrs. M. M. Deshmukh, learned APP for the State.

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

Date : **July 8, 2015.**

P. C. :

1. The learned Counsel appearing for the Applicant seeks leave to amend the prayer clause. Leave granted. Necessary amendment be carried out forthwith.

2. By this application under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash the proceedings of CC No.1181/PW/2010 pending on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. The said case has arisen out of the FIR No. 668/2010 registered with MIDC Police Station at the instance of Respondent No. 2 for the offence punishable under section 380 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of trial of above criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and in pursuance of the same, present application is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

4. In the present application filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 [original complainant] has filed an affidavit dated 8th July 2015. In paragraph 3 of the said affidavit, she has stated that she has no objection for quashing the proceedings of the criminal case / FIR.

5. 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 Applicant for the offence punishable under section 380 of the Indian Penal Code, 1860.

6. In the light of the principles laid down by the Apex Court in 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 in question.

7. Accordingly, criminal proceedings against the Applicant, being CC No.1181/PW/2010 pending on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai are hereby quashed. However, we find it would be appropriate to saddle the Applicant with the cost of Rs.25,000/-, 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 Applicant 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.]