

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4660 OF 2014**

Jagtarsingh Gurmeetsingh & Anr.
Versus
The State of Maharashtra & Anr.

....Petitioners.

...Respondents.

Ms. Anjali Awasthi, advocate for the Petitioners.
Ms. P.H.Kantharia, APP for the respondent-State.
Ms. Saeda Shaikh, advocate for the respondent no.2.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESAI, JJ.**

DATED : January 8, 2015.

P.C.:

Heard.

2 Rule. Rule is made returnable forthwith and, by consent, the matter is being heard finally.

3 This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of the C.R. No.527 of 2014 dated 24.11.2014 under the provisions of Sections 326, 504 read with

Section 34 of the Indian Penal Code, 1860 registered with Mulund Police Station. Said C.R. was registered in pursuance of the complaint lodged by the respondent no.2 against the petitioners in respect of the incident that occurred on 23.11.2014.

4 Petitioners and respondent no.2 have settled their disputes amicably and in pursuance of the understanding, petitioners have filed the above writ petition. Respondent no.2 has also filed affidavit dated 2.12.2014. In paragraph 7, he has stated that he has no objection if the FIR registered at his instance against the petitioners bearing C.R.No.527 of 2014 is quashed. He has also stated that the said affidavit is filed out of his own free will and without any force or coercion from anyone. Respondent no.2 is present in the Court. On specific query, he states that whatever stated in the affidavit is true and correct, and he has no objection to quash the C.R.No.527 of 2014. He further states that he is giving no objection out of his own free will and without any coercion or force.

5 It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the proceedings, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of law laid down by the Apex Court in the case of

Narinder Singh and Ors. versus State of Punjab and Anr. 2014 AIR (SCW) 2065, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. Rule is, accordingly, made absolute in terms of prayer clause (a) subject to petitioner nos.1 and 2 each paying an amount of Rs.5,000/- to the respondent no.2 (Original Complainant) and produce the receipt thereof on the file of this petition within a period of two weeks from today.

6 Subject to above, the writ petition stands disposed of.

(RANJIT MORE, J.)

(ANUJA PRABHUDESAI, J.)