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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1275 OF 2015

Ashwin Hebbar and Anr.

..Applicants.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Anil G. Lalla with Ms.Beerta H. Bhawja and Mrs. Monika Malkani
i/b. Lalla and Lalla for the applicants.

Mrs.S.V.Sonavane, APP for respondent-State.

Mr.C.S.Jadhav for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 7TH DECEMBER, 2015

P.C. :-

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and the learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing C.C. No.841/PS/2013 pending in the Court of learned Metropolitan Magistrate's Railway Mobile Court, Andheri, Mumbai on the basis of F.I.R. bearing No.409/11 at the instance of respondent No.2 against the applicants for the offences punishable under Sections 323, 341, 354, 427, 504 read with Section 34 of the Indian Penal Code.

2. Pending investigation, the parties have amicably settled their dispute and have approached this Court for quashing the subject criminal proceedings by consent. Respondent No.2 has filed an affidavit dated 7th December, 2015. In paragraph 3, she has stated that she has no objection if the subject criminal proceedings are quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject criminal proceedings are quashed. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. 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 offence. 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 **Narinder Singh V/s. State of Punjab [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. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- by the applicants with the Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

5. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)