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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1269 OF 2014

Smt. Vrushali Pawan AbhayankarApplicant
versus

1. The State of Maharashtra
2. Shri Satbir Iqbal Singh
3. Shri Tanaji Ambalal KalaskarRespondents

Mr. B. A. Lawate, advocate for the applicant.
Mr. J. P. Yagnik, APP for the State.
Mr. Sunil H. Sule, advocate for respondent Nos.2 and 3.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th February, 2015.

P.C.:

Heard learned counsel appearing for the respective parties
and learned APP for the State.

2. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of Summary Case No.2967 of 2012 pending on the file of learned Judicial Magistrate of First Class, Panvel at Panvel. The said proceedings arise out of C.R.No.I-142 dated 1st June, 2012 registered with Kharghar Police Station, Navi Mumbai at the instance of respondent No.2 for the offences punishable under Sections 279, 337, 338, 427 of the Indian Penal Code and Section 184 of Motor Vehicles Act.

3. During the pendency of the said summary case, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, filed this application for quashing the proceedings of the said summary case arising out of the aforesaid C.R.. Respondent No.2 is the complainant and respondent No.3 is the injured witness. Respondent Nos.2 and 3 have filed a common affidavit dated 26th December, 2014. In paragraph 4 of the said affidavit, they have given no objection for quashing and setting-aside the said C.R. and the proceedings of the summary case. Respondent Nos. 2 and 3 both are present before the Court. On being questioned, they specifically stated that they have gone through the affidavit and have fully understood the contents thereof and have no objection, if the proceedings of the summary case arising out of the aforesaid C.R. are quashed and set-aside. They also stated that they are giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. 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 proceedings.

5. It can, thus, be seen that the matter has been amicably settled between the parties. 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. However, at the same time, costs need to be saddled on the parties.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10000/- by the applicant to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)