

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1298 OF 2014

Subhash Haru Santra.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Prashant Goyal for the Applicant.

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

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

Date : **February 12, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Applicant and Respondent No.2 in-person. This application is filed under section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings of C.C.No.203 of 2013 pending on the file of Metropolitan Magistrate, 47th Court Esplanade, Mumbai. The said case has arisen from the FIR registered against the Applicant with L.T.Marg Police Station at the instance of Respondent No.2. Police after investigation filed charge-sheet in the Court and the proceedings are now pending on the file of Metropolitan Magistrate, 47th Court Esplanade, Mumbai.

2. During the pendency of trial, the Applicant and Respondent No.2 settled their disputes amicably and in pursuant of that understanding the present application is filed for quashing by consent. Respondent No.2 has filed affidavit dated 2nd February 2015 wherein she has given no objection for quashing the proceedings against the Applicant.

3. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the 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.

4. 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 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.

5. 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. Accordingly, application is allowed in terms of prayer clause (a).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]