

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4954 OF 2015

Ganesh Mahesh Yerpul. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Sandesh V. More for the Petitioner.
Mr. H. P. Ghadigaonkar for Respondent No. 2.
Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.
Date : **December 18, 2015.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties and learned APP for the State.
2. The extra-ordinary jurisdiction of this Court and also the inherent powers are invoked by the Petitioner seeking to quash the proceedings of criminal case pending against him on the file of learned Additional Chief Metropolitan Magistrate Court at Kurla, being CC No. 1567/PW/2015 in connection with the allegations concerning commission of the offence punishable under sections 420, 465, 468 and 471 of the Indian Penal Code, 1860. The said proceedings is the result of an FIR [CR No.178 of 2015] registered with Gowandi Police Station at the instance of Respondent No. 2 herein.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of trial of above case / criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the petition is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

3. Respondent No. 2 has filed an affidavit before this Court wherein she has stated that she does not want to proceed further with the prosecution of the Petitioner and therefore she is supporting the petition filed by the Petitioner for quashing the proceedings initiated at her instance.

4. 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 Petitioners for the offence punishable under sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860.

5. 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 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.

6. 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 proceeding. Accordingly, petition is made absolute in terms of prayer clause (b). As the police machinery and Court machinery was put into motion by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner with the cost of Rs.5,000/-, which shall be paid to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients.

7. At this stage, it is reported that the Petitioner is in jail in

connection with the subject FIR and criminal case. Since the subject FIR and criminal case are quashed by the instant order, the Petitioner is directed to be set at liberty, if not required in any other case.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]