

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5095 OF 2014

Punaram Bhimji Choudhary
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. K. S. Patil for the Petitioners.

Mr. Ranjeeth Patil for Respondent No. 2.

Mr. K. V. Saste, learned APP for the State.

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

Date : **February 2, 2015.**

P. C. :

1. This petition is filed under Article 226 of the Constitution of India and also under the provisions of section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of FIR No.I-634/2014 registered with Virar Police Station. The said FIR is registered at the instance of Respondent No.2 against the Petitioners for the offence punishable under sections 326, 147, 148, 323, 504 and 506 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation,

the parties have settled their disputes amicably and in pursuance of that understanding the present petition is filed for quashment of FIR by consent.

3. Respondent No.2 – the original complainant as well as Gomaram-injured have filed affidavits dated 17th December 2014 and 30th January 2015 respectively. In the affidavits, they have given no objection for quashing the proceedings of said FIR. Both Respondent No.2 and said injured Gomaram are personally present before this Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the FIR in question lodged by them against the Petitioners for the offence punishable under sections 326, 147, 148, 323, 504 and 506 of the Indian Penal Code, 1860.

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 totally 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. In view of above, petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.5,000/-. For the quashment to take effect, the Petitioners shall deposit the said cost in this Court within the period of two weeks from today. Respondent No. 2 is at liberty to withdraw the said amount.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]