

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1081 OF 2015

Eknath Tukaram Jadhav and Others. ..Applicants.

Versus

Vijay Sitaram Salunkhe and Another. ..Respondents.

Mr. G. T. Jadhav for the Applicants.

Mr. Vishal A. Patil for Respondent No. 1.

Mrs. S. V. Sonawane, learned APP for the State.

Coram : RANJIT MORE &
S. C. GUPTA, JJ.

Date : **January 21, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash the proceedings of criminal case against them pending on the file of JMFC, Pathan, District Satara, being RCC No. 32 of 2015. The said proceeding is the result of an FIR bearing MECR No. 1 of 2015 registered with Umbraj Police Station, wherein the allegations against the Applicants are for the offence punishable under sections 326, 452, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860. The proceeding is initiated by Respondent No.1 herein.

2. The learned Counsel appearing for the respective parties submitted that pending trial of above case, 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 instant application is filed for quashing the above criminal proceedings, by consent of original complainant Respondent No.1 herein.

3 Respondent No.1 has filed an affidavit dated 20th August 2015 wherein he has stated that he is not interested in continuing with the criminal prosecution of the Applicants. He has solemnly affirmed that he is withdrawing all the allegations made against the Applicants and that he has no objection for quashing the FIR and proceedings against the Applicants.

4. Respondent No.1 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the criminal proceedings in question initiated by him against the Applicants.

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 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.

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 subject criminal proceedings. Accordingly, application is allowed in terms of prayer clause (a). However, in the facts and circumstances of the case and 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 Applicants with the cost of Rs.10,000/- [Rs. Ten thousand only], which shall be paid to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients.

For the quashment to take effect, the Applicants shall pay the said cost and produce the receipt thereof on the file of this

Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station and Magistrate that subject FIR / MECR or proceedings shall not be treated to have been quashed and that police / Magistrate shall proceed against the Applicants in accordance with law.

[S. C. GUPTE, J.]

[RANJIT MORE, J.]