

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1452 OF 2017

Niranjan L Hiranandani and Others. ..Petitioners.

Versus

Dhakar @ Dhakar D Wad and Others. ..Respondents.

Mr. Sudeep Pasbola i/g Gautam Pyarelal for the Petitioner.

Mrs. A. S. Pai, APP for the State.

Mr. Pankaj Purve for Respondent No. 1 to 3.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **June 21, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for Respondent Nos. 1 to 3 and the learned APP for the State.

2. The petition is filed for quashing the proceedings of Special Sessions Case No.407 of 2016 pending on the file of the learned Special Judge, Thane. The said case arises out of complaint filed by Respondent No.1 on the allegation of commission of the offence punishable under sections 3(1)(ii), (v) and (x) of the SC & ST Prevention of Atrocities Act, 1989.

3. Learned Counsel appearing for the respective parties submitted that during the pendency of above special sessions case, parties have settled their disputes amicably and in pursuance of the

understanding arrived at between them, they have filed present petition for quashing the proceedings of above case by consent. They submitted that parties have entered into compromise dated 22nd March 2017, copy of which is placed on record.

4. Respondent Nos.1 to 3 have filed individual affidavits dated 21st June 2017. In paragraph 3 they have stated that there would be no useful purpose served in the event the proceedings of the aforesaid Sessions case are continued and hence they have submitted that the said proceedings could be quashed and set aside.

5. Respondent Nos. 1 to 3 are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavit 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 criminal proceedings in question initiated by them against the Petitioners.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that 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.

7. 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 used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/- each, which shall be paid to **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners 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, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]