

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1466 OF 2017**

Shrinivas Devaya Vasala

Petitioner

Vs

State of Maharashtra & anr

Respondents

Mr.Ashok Vardhan Purohit for Petitioner

Mr.K.V.Saste APP for State

Mr.Trupti Bharati for Respondent no.2

Mr.Prakash Jaywant Mali Respondent no.2 present
in Court

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ**

DATED: 16 JUNE 2017.

P.C.:

Not on Board. Upon mentioning at the request of learned
counsel for the Petitioner taken on board.

2. Heard learned counsel for the Petitioner, Respondent no.2
and the learned APP.

3. The Petition is filed for quashing the proceedings of
Criminal Case No.198/PS//2016 pending on the file of the Additional
Chief Metropolitan Magistrate, 66th Court, Andheri Mumbai. The said

case arises out of registration of FIR No.408 of 2015 on 5.10.2015 for the offences under sections 279 and 338 IPC with Powai police station at the instance of Respondent no.2 against the Petitioner.

4. The learned Counsel appearing for the respective parties submitted that during the pendency of trial of above case, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement. Pursuant to the same, present Petition is filed for quashing the above Case No.198/PS/2016 by consent of Respondent No. 2.

5. The Respondent no.2 has filed affidavit dated 31.3.2017. In the said affidavit he has stated that he has no objection for quashing the subject criminal proceedings instituted at his behest against the Petitioner.

6. Respondent no.2 is personally present in Court. On a specific query made by us he has submitted that he has gone through the contents of the said affidavit and has understood the same. He further stated that he has made the said affidavit out of 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 Petitioner for the offences punishable under sections 338 and 279 IPC.

7. 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 1 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.

8. 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.

9. Accordingly, Writ Petition is allowed in terms of prayer

clause (c.) In the circumstances, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/- which shall be paid to the “**TATA Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner 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)