

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2924 OF 2017

Thomas Solomon Mathews.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. D. A. Joseph i/b David & Associates for the Petitioner.

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

Mr. Ramesh Wagh, PI Versova Police Station is present.

Coram : Ranjit More &
A. S. Gadkari, JJ.

Date : **July 27, 2017.**

P. C. :

1. At the outset, the learned Counsel appearing for the Petitioner seeks leave to amend so as to give particulars of criminal case. Leave granted. Necessary amendment be carried out forthwith.

2. Heard the learned Counsel appearing for the Petitioner and the learned APP for the State. The Complainant himself has approached this Court for quashing the proceedings of Criminal Case bearing CC. No. 3814/PS/2016 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. The said case is the offshoot of FIR bearing CR. No. 110 of 2016 registered with Versova Police Station, Mumbai against Respondent No. 3 for the offence punishable under section 384 of the Indian Penal Code, 1860.

3. The Petitioner and Respondent No. 3 are the father and son duo. Pending trial of the aforesaid criminal case, they with the intervention of family members, friends and well-wishers settled their disputes amicably and in terms of the understanding arrived at between them, they have approached this Court for quashing of the subject criminal case.

4. The Petitioner has filed separate affidavit dated 25th July 2017. In paragraph No. 4, he has stated that all differences between himself and Respondent No. 3 are settled and therefore he does not wish to proceed in the matter. In the affidavit he has prayed for quashing and setting aside of the subject criminal case.

5. The Petitioner is personally present before the Court. On specific query made by us, he submitted that he has filed the present petition and 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 subject criminal proceedings initiated by him against his son - Respondent No. 3 herein.

6. 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 subject 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 subject criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a).

8. At this stage, the learned APP submitted that though charge-sheet is filed, hard-disk of the laptop and mobile are sent to

the forensic laboratory and laptop is in the custody of the police. Since the proceedings are quashed, police shall get back the said hard-disk and mobile and destroy the objectionable material on the said mobile and hard-disk. Police are further directed to return the laptop and mobile to Respondent No. 3.

9. Writ petition stands disposed of.

[A. S. GADKARI, J.]

[RANJIT MORE, J.]