

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 854 OF 2017

Santosh Moreshwar Patil & Ors.	...	Applicants
V/s.		
Praful Govind Patil & Ors.	...	Respondents

Mr.Anil D'Souza for the Applicants.
Mr.S.S. Redekar i/b. Mr.Yogesh Rawool for Respondent Nos.1 to 3.
Ms.S.D. Shinde, A.P.P. for Respondent No.4-State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 8th NOVEMBER, 2017.

P.C. :

1] Mr.D'Souza, learned counsel for the Applicants, at the outset, seeks leave to amend the prayer clause, so as to give particulars of the Criminal Case. Leave granted. Necessary amendment shall be carried out forthwith.

2] Heard Mr.D'Souza, learned counsel for the Applicants, Mr.Redekar, learned counsel for Respondent Nos.1 to 3 and Ms.Shinde, learned A.P.P. for the Respondent No.4-State.

3] This application is filed for quashing and setting aside the proceedings of R.C.C. No.69 of 2016 pending on the file of Judicial

Magistrate First Class, Vasai. The said case arises out of registered First Investigation Report bearing C.R. No.I-253 of 2015 with Waliv Police Station, Vasai for the offence punishable under Section 143, 147, 148, 149, 323, 326, 504 and 506 of the Indian Penal Code.

4] Pending the trial of the Criminal Case parties settled their dispute and in pursuant of understanding arrived at between them they have approached this Court for quashing the subject Criminal Case by consent. Apart from the fact that Respondent No.1- Complainant as well as Respondent Nos.2 and 3 - the aggrieved persons have filed common affidavit as well as separate affidavit. In paragraph (3) of the common affidavit, they have given no objection to quash and set-aside the said proceedings. They have stated that they have no objection, if subject Criminal Case is quashed. The Applicants are personally present before the Court.

5] Respondent Nos.2 and 3 - the aggrieved persons are present before the Court. They state that they have been explained the contents of the petition and the affidavit filed by them and they have understood the same. On a specific query, they state that they have no objection for quashing and setting-aside the subject Criminal Case.

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 ultimately 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.

8] Accordingly, the Criminal Application is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 20,000/-, 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 Applicants shall pay the said costs and produce the receipt thereof on the file of this Court within

the period of four weeks from today. Failing to pay costs and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings shall be treated as *non-est*.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]