

Amk

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

WRIT PETITION NO. 3197 OF 2017

Vidyasagar Sheshrao Gulwe	.. Petitioner
Vs.	
The State of Maharashtra & Anr.	.. Respondents

Ms. Suchita R. Tiwari for the Petitioner.
Mr. K. V. Saste, APP for the Respondent-State.
Mr. O. R. Tiwari for Respondent No.2.

**CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.**

DATE : 12th OCTOBER, 2017.

P. C. :

1. This is a petition seeking quashment of Criminal Case No. 760/PW of 2016 pending before Metropolitan Magistrate, 17th Court Borivali, Mumbai arising out of C. R. No. 584 of 2015 registered with Samta Nagar Police Station at the instance of respondent No.2 for the offence punishable under Sections 324, 323, 504 read with 34 of the Indian Penal Code as well as 37(1), 135 of the Maharashtra Police Act.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of trial, the parties have settled the disputes amicably and the complainant does not wish to pursue the prosecution against the petitioner. The complainant has filed an affidavit dated 04.09.2017. In para 6 of the said affidavit, it is stated that the

complainant-respondent No.2 has no objection for quashing the said criminal proceedings arising out of C. R. No. 584 of 2015 against the petitioner.

3. Respondent No.2 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 subject criminal proceedings initiated by him against the Petitioner.

4. It can, thus, be seen that the matter has been amicably settled between the parties. The complainant do not wish to prosecute the petitioner accused. 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.

5. 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) subject to payment

of cost of Rs.10,000/- by the Petitioner in favour of “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the 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*.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]