

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

CRIMINAL WRIT PETITION NO.3197 OF 2016

Harishchandra Balu Jangam .. Petitioner
vs
1.State of Maharashtra
2.Ketan Arun Kadam ..Respondents

with CRIMINAL WRIT PETITION NO.752 OF 2017

Dnyan Singh Raje Singh Negi .. Petitioner
vs
1.State of Maharashtra
2.Ketan Arun Kadam .. Respondents

Mr.S.P.Borade for Petitioner in W.P.No.3197/2016
Mr.Robin Thomas for Petitioner in W.P.No.,752/2017
Mr.K.V.Saste APP for State
Mr.Ranjeet Patil for Respondent no.2

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

DATE : 20 JUNE, 2017.

COMMON ORDER

P. C.

1. Heard learned counsel for the Petitioners, Respondent no.2 and the learned APP for the State.

2. These Petitions arise out of a common FIR filed against the Petitioner, and therefore, they are being disposed of by this common order.

3. The Petitioner in Writ Petition No.3197 of 2016 is accused no.2 and the Petitioner in Writ Petition No.752 of 2017 is Accused no.1 in FIR bearing C.R.No.135 of 2016 registered with Worli police station. The said FIR is registered at the instance of Respondent no.2 Ketan Arun Kadam for the offences punishable under sections 323, 504 read with section 34 of IPC.

4. After completion of the investigation, the charge sheet is filed by the Worli police station in the 62nd Metropolitan Magistrate's Court, Bombay and the same is numbered as Criminal case no.664/PW/2015.

5. Learned counsel for the respective parties submitted that pending trial of the said case, the parties have amicably settled their dispute and approached this court for quashing of the said criminal case, by consent.

6. The Respondent no.2 has filed an Affidavit dated 17.2.2017 in both the Petitions. By the said Affidavit he has given no objection to quash the said criminal case against the Petitioner. The Respondent no.2 is personally present in the Court and states that with the intervention of elders they have decided to settle the

dispute between them. He further states that the dispute between him and the petitioner is settled and he does not desire to pursue the present proceedings/prosecution against the petitioners and he has no grievances against the petitioner. He further states that he has sworn the said affidavit on his own free will and without any fear or pressure or undue influence.

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 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 subject criminal proceedings. Accordingly, Writ Petitions are allowed in terms of prayer clause (a.)

9. 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.20,000/- (Rs.10,000/- each) which shall be paid to the “SHANTI AVEDNA”. 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, Petitions shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject C.R.No.135 of 2015 shall not be treated to have been quashed and that police/Metropolitan Magistrate, 62nd Court, Bhoiwada, Bombay shall proceed against the Petitioners in accordance with law.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]

