

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

WRIT PETITION NO. 3675 OF 2016

Shobha Karbhari Ugale & Anr.	...	Petitioners
V/s.		
The State of Maharashtra & Anr.	...	Respondents

- Mr.Sachin Gite for the Petitioners.
- Mrs.A.S. Pai, A.P.P. for Respondent No.1-State.
- Mr.P.B. Rahade for Respondent No.2.

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

DATE : 15th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel for the Petitioners, learned A.P.P. for Respondent No.1-State and learned counsel for Respondent No.2.

2] This petition is filed for quashing and setting aside the proceeding of the Criminal Case bearing R.C.C. No.69 of 2016 pending before the Court of Judicial Magistrate First Class at Panvel. The said case arises out of registered First Investigation Report bearing C.R. No.I-351 of 2015 with Panvel Police Station at the instance of Respondent No.2 for the offence punishable under Section 388 read with Section 34 of the Indian Penal Code.

3] Pending trial, parties settled their dispute amicably and accordingly entered into consent terms. The copy of the consent terms is annexed along with the affidavit of Respondent No.2. The consent terms are signed by the Petitioners as well as Respondent No.2 and their respective counsels. As per the consent terms, in pursuant of the understanding arrived at between the parties, they have approached before this Court to quash and set-aside the Criminal Case by consent. Respondent No.2 has filed accordingly an affidavit dated 17th January 2017. In paragraph (1) of the affidavit, he has given no objection to quash the proceeding of the subject Criminal Case against the Petitioners.

4] Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR/Criminal Case filed by her against the Petitioners.

5] 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 ultimately burdening the Criminal Courts which are already overburdened.

6] 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.

7] Accordingly, Writ Petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 5,000/-, 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 Petitioners 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 cost and produce receipt within stipulated time, petition 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.]