

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

CRIMINAL APPLICATION NO. 1073 OF 2017

Ramesh Chhotu Vanjara @ Kali & Ors.	...	Applicants
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.S.H. Deokar for the Applicants.
Mr.K.V. Saste, A.P.P. for Respondent No.1-State.
Mr.Y.B. Purwant for Respondent No.2.

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

DATE : 8th NOVEMBER, 2017.

P.C. :

1] Heard Mr.Deokar, learned counsel for the Applicants, Mr.Saste, learned A.P.P. for Respondent No.1-State and Mr.Purwant, learned counsel for Respondent No.2.

2] This petition is filed for quashing and setting aside the proceedings of the Criminal Case bearing C.C. No.2588/PW-16 pending on the file of Metropolitan Magistrate, 17th Court at Boriwali, Mumbai. The said case arises out of registered First Investigation Report (FIR) bearing C.R. No.208 of 2015 with Kandiwali Police Station at the instance of Respondent No.2 for the offence punishable under Section

354, 324, 323, 504 read with 34 of Indian Penal Code (IPC).

3] Pending the trial parties settled their dispute amicably with the intervention of well wishers and in pursuant of the understanding arrived at between them, they have approached before this Court for quashing the subject Criminal Case by consent. Respondent No.2-Complainant as well as aggrieved person Shahina Amin Shabri have filed separate affidavit dated 13th October, 2017 and 8th November, 2017. In paragraph (3) of the affidavit, they have given no objection to quash the proceedings of the subject Criminal Case.

4] Respondent No.2-Complainant as well as aggrieved person Shahina Amin Shabri 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.

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 subject 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, the Criminal Application is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 5,000/-, which shall be paid to the “**Kirtikar Law Library**”. 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*.