

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1126 OF 2017

Yunusali Chulbul ..Applicant.

Versus

State of Maharashtra & Anr. ..Respondents.

Mr. H. S. Shinde for the Applicant.

Mr. K. U. Saste, APP for the State.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.

Date : **November 30, 2017.**

P. C. :

1. Heard the learned Counsel for the Applicant, the learned APP for the State and the learned Counsel for Respondent No. 2. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash and set aside the proceedings of criminal case bearing No. 2528/PW/2011 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. The said proceedings is an outcome of registration of FIR bearing CR. No. 193 of 2011 with Meghwadi Police Station for the offence punishable under sections 324, 504, 506(2) of the Indian Penal Code, 1860 at the instance of Respondent No. 2 herein.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above criminal proceedings, by

consent of Respondent No. 2.

3. Respondent No.2 has accordingly filed an affidavit dated 30th November 2017. In paragraph 15 of the said affidavit, he has prayed for the quashment of the subject criminal proceedings in view of the amicable settlement of disputes. 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 Applicants.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR /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.

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, application is allowed in terms of**

prayer clause (a). In the fact-situation, we find it would be appropriate to saddle the Applicant with the cost of Rs.5,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant 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, 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.]