

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

WRIT PETITION NO. 4105 OF 2016

Yunus R. Mujjawar	...	Petitioner
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.B.U. Deshmukh for the Petitioner.
Mr.V.B. Konde-Deshmukh, A.P.P. for Respondent No.1-State.
Mr.N.B. Patil for Respondent No.2.

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

DATE : 2nd NOVEMBER, 2017.

P.C. :

1] At the outset, learned counsel for the Petitioner seeks leave to amend the prayer clause so as to give the particulars of the Criminal Case. Leave granted. Necessary amendment shall be carried out forthwith.

2] Heard Mr.Deshmukh, learned counsel for the Petitioner, Mr.Konde-Deshmukh, learned A.P.P. for Respondent No.1-State and Mr.Patil, learned counsel for Respondent No.2.

3] This petition is filed for quashing and setting aside the proceedings of the Criminal Case bearing bearing R.C.C. No.341 of

2015 pending on the file of Judicial Magistrate First Class, Vashi at CBD Belapur. The said case arises out of registered First Investigation Report (FIR) bearing C.R. No.204 of 2014 at Koparkhairne Police Station at the instance of Respondent No.2 for the offence punishable under Section 420, 451, 380, 465, 467, 468, 471, 506-2 and 120(B) of the Indian Penal Code.

4] Pending trial the parties with intervention of the mediator settled their dispute amicably and in pursuance of the understanding arrived at approached this Court for quashing the proceedings of the Criminal Case by consent. Respondent No.2, accordingly, has filed an affidavit dated 11th October, 2017. In paragraph (2), he has stated that the dispute between the parties is settled amicably and they have entered into the “Memorandum Of Understanding” (MOU) dated 11th February, 2015. The MOU is annexed at page 57 of the compilation. He has further stated that, in view of the settlement he does not wish to continue with the subject Criminal Case.

5] 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.

6] 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.

7] 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.

8] Accordingly, Writ Petition is allowed in terms of prayer clause (E-1), subject to payment of costs of Rs. 10,000/-, 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 Petitioner 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.]