

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1849 OF 2018

Narayan Tatu Rane and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Rajendra Shirodkar I/b Archit Sakhalkar for the Petitioner.

Mr. Deepak Thakare, PP for the Respondent-State.

Mr. S. M. Gorwadkar, Senior Advocate with Ravi Girish Shinde for Respondent No.2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **October 29, 2018.**

P. C. :

1. Heard the learned counsel for the respective parties.

The petition is filed for quashing and setting aside the proceedings of criminal case bearing No.140/P/2003 pending on the file of learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. The said case arises from the registration of FIR bearing CR No.127 of 2002 with Cuff Parade Police Station, Mumbai at the instance of Respondent No. 2 for the offence punishable under sections 365, 341, 342, 323, 506 read with 120B of the Indian Penal Code, 1860 and section 3(1)(vii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Pending trial parties settled their disputes amicably and in pursuance of understanding arrived at between them, they have approached this Court for quashing the said proceedings by consent of Respondent No. 2.

3. Respondent No.2 is - the original complainant has accordingly filed an affidavit dated 29th October 2018. In paragraph 7 and 8 he has made following averments :

"7. I further say and submit that due to passage of long time between the alleged incident in question and today's date, coupled with the fact mentioned above, me and the Petitioners have forgotten about our differences, which existed then and presently, our relations are very cordial. During our tenure as ministers, we had decided to put an end to our differences, not only with Petitioner No. 1 but with other Petitioners also.

8. I say and submit that in view of the facts and circumstances mentioned above, I do not wish to proceed against the Petitioners as well as against the other accused persons also in the above mentioned case as we have decided to amicably put an end to our dispute and that we have done so. I say and submit that in the entire incident which occurred in the year 2002 in this case, I am the only victim and no one else is an aggrieved person or has received any injury in this case. Under the circumstances, I have no objection if the proceedings pending against the Petitioners in this case are quashed and set aside for the reasons mentioned above. I say and submit that no prejudice would be caused to anybody if this Hon'ble Court is pleased to quash the proceedings against all the accused including the Petitioners."

4. 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 FIR /criminal proceedings initiated by him against the Petitioner. He also submitted that apart from the Petitioners herein one Mr Vasant Suryawanshi is also arraigned as accused in the said FIR / case and he has no objection to quash and set aside the entire proceedings, i.e., against the Petitioners as well as said Vasant Suryawanshi.

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 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 FIR / criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (B). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.50,000/-, 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 Petitioners 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, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]