

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTON

WRIT PETITION NO. 1082 OF 2019

Abhijit Prakash Joglekar.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Omneel A. Jadhav for the Petitioner.

Ms. S. D. Shinde, APP for the Respondent-State.

Mr. R. A. Mohite for Respondent No. 2.

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

Date : **March 20, 2019.**

P. C. :

1. At the outset, learned counsel for the Petitioner seeks leave to amend the petition so as to give particulars of the criminal proceeding. Leave granted. Necessary amendments be carried out forthwith.

2. Heard learned counsel for the respective parties. The petition is filed seeking to quash and set aside the proceedings of criminal case bearing CC No. 347/PS/2019 pending on the file of learned Metropolitan Magistrate, 59th Court, Kurla. The said case is an offshoot of an FIR registered with Vinoba Bhave, Police Station, Mumbai, bearing CR. No. 279 of 2018, at the instance of Respondent No. 2 for the offence punishable under sections 279 and 337 of the Indian Penal Code, 1860 and section 185 of the Motor Vehicles Act, 1988.

3. The learned Counsel appearing for the respective parties

submitted that during the pendency of above criminal proceeding, 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 petition is filed for quashing the above criminal proceeding / FIR, by consent of Respondent No. 2.

4. Respondent No.2 has filed an affidavit dated 27th February 2019. In paragraphs 5 and 6 of the said affidavit, she has stated that she has no objection for quashing the proceeding of subject criminal case. 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 subject FIR /criminal proceedings initiated by her against the Petitioner.

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. Accordingly, petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, [Rs. Ten thousand only] to be paid to Respondent No.2 within the period of four weeks from today. The said cost is in addition to the amount actually expended on the medical treatment of Respondent No. 2.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]