

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3418 OF 2015

Gangadhar Karbhari Jadhav and Others. ..Petitioners.

Versus

Sukhvindersingh B. Issar and Others. ..Respondents.

Mr. Sanjiv A. Sawant for the Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

Mr. Abhishek P. Deshmukh for Respondent No. 1.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.

Date : **September 25, 2019.**

P. C. :

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.1 and learned APP for the Respondent-State.

2. The petition is filed seeking quashment of the proceedings of criminal case bearing RCC No. 53 of 2015 pending before the Court of Chief Judicial Magistrate, Nashik. The said case arose from the FIR bearing No.294 of 2012 registered with Bhadrakali Police Station at the instance of Respondent No.1 for the offence punishable under sections 420, 465, 467, 468, 471, 474, 181, 177, 191, 192, 193, 120B read with section 34 of the Indian Penal Code, 1860.

3. The learned counsel appearing for the respective parties submitted that pending trial of the above case, parties settled their disputes amicably and in pursuance of the understanding arrived at between them, now they have approached this Court for quashing the subject criminal proceeding by consent of Respondent No.1. The parties have accordingly prepared consent terms dated 24th September 2019 and placed on record the the same. Consent terms are signed by the complainant as well as accused-petitioners along with their respective advocates. In paragraph 2, following averments are made by the complainant :

"2] In the view of the matter amicably settled out of Court between the Respondent and the Petitioners, the Respondent and the Petitioners have no grievance of any nature against each other and I, the Respondent, have no objection of what so ever nature against the Petitioner and I give my consent to quash and set aside the private complaint filed by me before the JMFC, Nashik bearing Cri.M.A. No. 1318 of 2012. Consequently, the FIR no. 294 of 2012 and all consequential actions including the Charge Sheet No. R.C./53/2015 dt. 5th January 2015 filed by Bhadrakali Police Station, Nashik to be quashed and set aside.

As part of settlement, the Petitioner has no grievance of what so ever nature against the Respondent and the Petitioner has agreed / promised and assured to withdraw the private complaint filed by him bearing No. Cri.M.A. 1341 of 2012 pending in Additional C.J.M. Court Nashik so as to put and fully and finally to all the disputes

between petitioner and respondent.”

4. Today, Respondent No.1 is personally present before the Court. On specific query, made by us, he submitted that he has made the said consent terms with the Petitioners and thus the dispute between himself and the Petitioners is amicably resolved. He has further confirmed that he has no objection for quashing the subject criminal proceedings initiated by him against the Petitioners.

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 allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.25,000/-, 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 shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]