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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 698 OF 2015**

Mohammed Mehfooj @Sitare

S/o. Mohd. Anzar Alam

....Petitioner

versus

1. Mohd. Qurban Abdul Shaikh

2. The State of Maharashtra

....Respondents

Mrs. Aisha M. Zubair Ansari, advocate for the petitioner.

Ms. Nasreen S. K., advocate for respondent No.1.

Mrs. M. H. Mhatre, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 12th AUGUST, 2015.

P.C.:

Learned counsel for the petitioner seeks leave to amend the prayer clause of the petition so as to give particulars of the session case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. The petition is filed for quashing and setting-aside the proceedings of Session Case No.617 of 2015 pending before the Sessions Court, Mumbai. The said case arises out of FIR bearing No.584/2014 registered with Dharavi Police Station, Mumbai, at the instance of respondent No.1, for the offences punishable under Sections 328, 363, 342, 452, 323, 504 and 506 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled their dispute amicably and have approached this Court for quashing the proceedings of the said session case by consent. Respondent No.1 has filed an affidavit dated 21st January, 2015. In paragraph 6, he has given no objection for quashing and setting-aside the proceedings arising out of the subject F.I.R.. Respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has understood the contents thereof and has no objection if the proceedings of the subject session case are quashed and set-aside. Mrs. Mhatre, learned APP also makes a statement that no poison is detected in stomach wash of respondent No.1. Hence, no prima facie case is disclosed, and as such, offence under Section 328 of the Indian Penal Code, 1860 is not made out.

4. It can, thus, be seen that the dispute between the parties was private in nature and the same has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 2014 AIR (SCW) 2065**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed and set-aside. However, at the same time, costs need to be

saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. The writ petition is, accordingly, made absolute in terms of prayer clause (a) subject to payment of costs of Rs.15000/- by the petitioner. The petitioner shall deposit the costs with Central Police Welfare Fund, A/C. 914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the criminal writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)