

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 860 OF 2015

Ms. Tasneem Mohd. Sharif Kazi.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Tahera Qureshi for the Petitioner.

Ms. Jindagi Shah for Respondent No. 2.

Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 7, 2015.**

P. C. :

1. This is a writ petition filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of CC No.1136/PW/2014 pending on the file of Addl. Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai. The said proceeding is the result of FIR No.366 registered with Pydohnie Police Station against the Petitioner at the instance of Respondent No.2 for the offence punishable under section 406 and 420 read with 34 of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the respective parties submitted that during the pendency of trial, the

Petitioner and Respondent No. 2 have settled their disputes and as per the understanding arrived at between them, the Petitioner has approached this Court for seeking to quash the aforesaid criminal proceedings, by consent.

3. Respondent No. 2 has filed an affidavit dated 7th April 2015. In paragraph 8 he has stated that he has prayed that writ petition be allowed and CC. No.1136/PW/2014 against the Petitioner may be quashed.

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 criminal proceedings in question qua 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 criminal proceedings pending except 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 criminal proceedings.

7. Accordingly, petition is made made absolute in terms of prayer clause (a) and aforesaid CC.No.1136/PW/2014 is quashed qua the Petitioner only. As the police machinery and Court machinery was put into motion by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the Petitioner with the cost of Rs.5,000/-, which shall be paid to the “**Shanti Avedna Sadan**” 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 cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]