

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1487 OF 2015

Aarif Ahsan Khan

..Petitioner

v/s.

State of Maharashtra & Anr.

..Respondents

Ms. Anjali Awasthi for the Petitioner.

Mrs. P.H.Kantharia, APP for the Respondent/State.

Mr.Rajendra Sorankar for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 17, 2015.

P.C.

1. Heard.

2. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.PC. for quashing the proceeding of CR No. 444 of 2014 registered at Crime Intelligence Unit (Operation) Mumbai, against the petitioner at the instance of the respondent no.2 for the offences punishable under Section 341, 342, 347, 384, 387, 506 of IPC. The FIR was originally registered as Cr.No.444 of 2014 on 24.12.2014 at Amboli Police

Station against the petitioner which was later on transferred to Crime Intelligence Unit and therefore renumbered as C.R.No.122 of 2014.

3. Pending investigation of the said C.R. parties settled their disputes amicably and consent terms came to be filed in the Special Civil Suit No.66 of 2015. Copy of which is annexed to this plaint at page 25.

4. A common statement is made by learned counsel for the respective parties that Special Civil Suit No. 66 of 2015 is decreed in terms of the consent terms. The petitioner is present in the court and makes a statement that he undertakes to comply with the consent terms. Undertaking is accepted.

5. In pursuance of the settlement as stated above the parties have approached this court for quashing of the said FIR by consent.

6. The respondent no.2 has filed affidavit dated 16.4.2015. In para 4 he has given no objection for allowing the petition.

7. Respondent No. 2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the 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 initiated by him against the Petitioner for the offence punishable under sections 341, 342, 347, 384, 387, 506 of IPC of the Indian Penal Code, 1860.

8. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no public law is involved in the crime. In the 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.

9. 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.

10. Accordingly, petition is allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the

Applicant shall pay costs of Rs.25000/- (Rupees Twentyfive Thousand Only) to the **Kirtikar Law Library** and produce a copy of the receipt on the file of this petition within a period of three weeks from today. Nonpayment of cost will result in dismissal of the petition.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)