

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

CRIMINAL APPLICATION NO. 384 OF 2015

Mohd. Mohsin Rafiq Khan ..Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. L.M.Shukla for the Applicant

Mr.P.M.Rajput i/b. Sarita Tripathi for the Respondent No.2.

Mrs.U.V.Kejriwal, APP for the Respondent/State.

Not on board, on production taken on board.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 07, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing the proceeding of FIR No. 407 of 2014 registered with Kandivali Police Station at the instance of Respondent No.2 for the offence punishable under Section 323, 324, 504, 34 of Indian Penal Code.
2. During pendency of investigation parties settled the dispute amicably, and in pursuance to the understanding arrived between

them have approached this court to quash and set aside the said FIR by consent. The respondent no.2 accordingly has filed affidavit dated 7th July, 2015. In paragraph 2 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

3. Respondent No.2 is personally present before the Court. He submitted that he is 17 years 9 months old. On specific query made by us, he orally stated that he does not want to continue with the proceeding of the said FIR against the applicant as well as the other accused. 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 applicant for the offence punishable under sections 323, 324, 504 r/w. 34 of the Indian Penal Code, 1860. The brother of respondent no.2 is also present before us. He has also given no objection to quash the said FIR against the applicant and the other accused in the said FIR.

4. The applicant as well as the accused are college students. In our

opinion it would be in their interest to quash and set aside the subject FIR as it can thus be seen that the dispute between the parties is settled. The allegation made against the applicant is personal in nature and no element of 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.

5. 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.
6. Accordingly, application is allowed in terms of prayer clause (a).
7. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.3000/- (Rupees Three Thousand Only) to the cancer hospital, namely **Shanti Avedana Sadan**, situated at 216,

Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this application/petition within a period of two weeks from today

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)