

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1872 OF 2015

1. Vasim Razaq Gogada
2. Razaq Gogada
3. Jaibun Gogada
4. Ismail Dawood Unani
5. Abdul Dawood Unani

....Petitioners

versus

1. State of Maharashtra
2. Commissioner of Police
3. Senior Incharge of Phydhonie Police Station
4. Kaluman Suleman Agawan

....Respondents

Mr. A. B. Mishra, advocate for the petitioners.

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

Mr. Satish R. Mishra, advocate for the respondent No.4.

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

DATED : 9th JULY, 2015.

P.C.:

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing the proceedings of criminal case No.825 of 2013 pending on the file of Additional Chief Metropolitan Magistrate, 2nd Court at Mazgaon, Mumbai. The said case arises out of FIR No.70 of 2013 registered with Phydhonie Police Station for the offences punishable under Sections 323, 324, 504, 506, 141, 143, 147 149 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 case by consent. Respondent No.4/original complainant has filed an affidavit dated 8th July, 2015. In paragraphs 1 and 2, it is stated that the dispute between the parties has been settled. Respondent No.4 is present before the Court. On being questioned, he specifically stated that whatever has been stated in the affidavit is true and correct and he has no objection for quashing the proceedings of the subject criminal case.

4. It can, thus, be seen that the dispute was totally personal in nature, which 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. 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.

5. Accordingly, the proceedings of criminal case No.825 of 2013 pending on the file of Additional Chief Metropolitan Magistrate, 2nd Court at Mazgaon are quashed and set-aside, subject to payment of costs of

Rs.10000/- by the petitioners (Rs.2000/- by each of the petitioners). The petitioners shall deposit the costs with Tata Memorial Hospital and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)