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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 708 OF 2015

Mr. Khawaja Mohmad Shaikh	Applicant
versus	
State of Maharashtra and ors.	Respondent

Mr. H.S.Shinde for the Applicant.
Mr. Balaji Kawale for Respondent No.2.
Mrs. M.M.Deshmukh, APP. for the State.

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

DATED : 31st July, 2015.

P.C.:

Heard learned counsel for the respective parties.

2) This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of criminal case No.1994/PW/2013 pending on the file of learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case arises out of C.R. No.247 of 2013 registered by D. N. Nagar Police Station, Andheri, Mumbai against the applicant at the instance of respondent No.2 for the offences punishable under Sections 324 and 323 of the Indian Penal Code, 1860 (for short "the IPC").

3) The petitioner and respondent No.2 are husband and wife. During the pendency of the trial, the parties to the application settled their dispute amicably and in pursuance of an understanding arrived at

between them, filed the instant application for quashing the proceedings of the said criminal case, by consent. Respondent No.2 has filed an affidavit dated 31st July, 2015. In paragraph 9, she has stated that she has no objection for quashing the proceedings of the said criminal case. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of the FIR and criminal case are quashed and set-aside. She also stated that she is giving consent for quashing the said proceedings out of free will and without there being any pressure or coercion.

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 vs. State of Punjab [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.

5) Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.5000/- by the applicant to the

“Shanti Avedna Sadan” an institution that takes care of the advanced and terminally ill cancer patients. The applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the application shall stand dismissed automatically without further reference to the Court.

6) Subject to above, the criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)