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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.736 OF 2015

1.Shri Aarfin Gufraan Shaikh
2.Shri Kamram Gufraan Shaikh
versus
1.The State of Maharashtra
2.Shri Nasir Mehboob Tadv
....Applicants
....Respondents

Mr. H. S. Shinde, advocate for the applicants.
Mrs. S. V. Sonavane, APP for the State.
Mr. Manoj Sonavane, advocate for respondent No.2.

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

DATED : 12th AUGUST, 2015.

P.C.:

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

2. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of C.C.No.428/PS/2013 pending on the file of Addl. Chief Metropolitan Magistrate, 64th Court at Esplanade – Mumbai. The said case arises out of C.R.No.18 of 2013 registered with Azad Maidan Police Station for offences punishable under Sections 279, 337, 338 of the Indian Penal Code, 1860 and Sections 134(A) (B), 3 and 4 read with Sections 180 and 181 of the Motor Vehicles Act, 1988.

3. Pending trial of the said criminal case, the parties settled their dispute amicably and have approached this Court for quashing the proceedings of the said criminal case by consent. Respondent No.2 is the victim and original complainant. He has filed an affidavit dated 10th August, 2015. In paragraph 13 of the said affidavit, he has given no objection for quashing the proceedings of the said criminal case against the applicants. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has received an amount of Rs.25,000/- deposited by the applicant No.1 towards No Fault Liability in criminal application No.1364 of 2013. The said criminal application was finally disposed of and the learned Member MACT, Mumbai directed applicant No.1 to pay to respondent No.2, an amount of Rs.1,60,000/- towards compensation including the amount of No Fault Liability, which has been already paid. Applicant No. 1 has, accordingly, deposited an amount of Rs.1,35,000/- in the Court as per the award. Learned counsel for the applicant No.1 stated that he has no objection if this amount is withdrawn by respondent No.2. In the above circumstances, respondent No.2 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 application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/- by the applicant No.1 to “Shanti Avedna Sadan” an institution that takes care of the advanced and terminally ill cancer patients. The applicant No.1 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 criminal 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.)