

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3437 OF 2015

Mr. Ashok Krishna Maskar

..Petitioner.

Versus

Mr. Akram Ezaj Khan & Anr.

..Respondents.

Mr. Indrajeet Joshi, advocate for petitioner.

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

Mr. Rahul Walvekar i/by Mr. Rahul Pandey, advocates for respondent no.2.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : **16th September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the proceedings of the Criminal Case No.482/PW/2014 pending on the file of learned Metropolitan Magistrate 12th Court at Bandra, Bombay. The said case arises out of the registration of the F.I.R. bearing C.R.No.7 of 2014 with Dharavi Police Station, Bombay at the instance of respondent no.1 for the offence punishable under

Section 385 read with Section 34 of the Indian Penal Code, 1860.

3 Pending trial, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.1 has filed affidavit. In paragraph 6, he has given no objection to quash the proceedings of the F.I.R. bearing C.R.No.7 of 2014 and the consequential criminal case. Respondent no.1 is personally present in the Court. On specific query, he states that he has no objection to quash the F.I.R. bearing C.R.No.7 of 2014 as well as the consequential criminal case.

4 It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the 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. 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 writ petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- to be paid to Kirtikar Law Library. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of two weeks from the date of receipt of this order, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

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

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.