

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.937 OF 2015

Fahim Ahmed Nisar Ahmed Khan & Anr. ..Applicants.

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr. Satyaram R. Gaud, advocate for applicants.

Mr. M.D.Sapkale, advocate for respondent nos.2 and 3.

Mrs. P.H.Kantharia, APP for the State.

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

Date : **8th September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2 This criminal application under Section 482 of the Code of Criminal Procedure, 1973 is filed for quashing and setting aside the proceedings of the Criminal Case No.2765/PW/2015 pending on the file of 4th Metropolitan Magistrate' Court at Girgaum, Mumbai. The said case arises out of the registration of the F.I.R. bearing C.R.No.399 of 2015 with V.P.Road Police Station at the instance of respondent no.2 for the offence punishable under

Sections 326, 324, 506(II), 427, 504 read with Section 34 of the Indian Penal Code, 1860.

3 Pending trial, parties settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent no.3 is injured eye witness. Both respondent nos.2 and 3 have filed common affidavit affirmed on 3.9.2015. In paragraph 5, they have given no objection to quash the proceedings of the subject criminal case. Both respondent nos.2 and 3 are personally present in the Court. On specific query, they confirm the contents of the said affidavit and submit that they have no objection to quash the proceedings of the subject 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 application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10000/- by the applicants to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. The applicants 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 application shall stand dismissed automatically without further reference to the Court.

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

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

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