

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.953 OF 2015

Mr. Mazhar Rehmat Khan & Ors.

..Applicants.

Versus

The State of Maharashtra & Ors.

..Respondents.

Mr. M.D.Sapkale, advocate for applicants.

Mrs. M.M.Deshmukh, APP for the State

Mr. S.R.Gaud, advocate for respondent nos.2 and 3.

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

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

P. C. :

Heard learned counsel 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 the proceedings of the Criminal Case No.936/PW/2010 pending on the file of 9th Additional Chief Metropolitan Magistrate at Bandra, Mumbai. The said case arises out of the registration of the F.I.R. bearing C.R.No.291 of 2010 with Mahim Police Station at the instance of respondent no.2 for the offence punishable under Section 326 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.

4 Respondent no.2 is the first informant and the respondent no.3 is the injured person, who is also brother of respondent no.2. Both respondent nos.2 and 3 have filed common affidavit dated 9.9.2015. In paragraph 5, they have given joint 'no objection' for quashing the proceedings of the subject criminal case. Respondent nos.2 and 3 are personally present in this Court. On specific query, they confirm the contents of the said affidavit. They state that they have no objection to quash the proceedings of the subject criminal case.

5 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal case.

6 Accordingly, application is allowed in terms of prayer clause (b). In the facts and circumstances of the case, we deem it fit to saddle the Applicants with the cost of Rs.5,000/-, which shall be paid to the **"Kirtikar Law Library"**.

7 For the quashment to take effect, the Applicants shall pay the said cost 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 to pay cost and produce receipt within stipulated

time, application shall stand dismissed automatically without further reference to the Court and the order quashing the proceedings of the criminal case shall be treated as *non-est*.

Parties to act on an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

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