

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.980 OF 2015

Mr. Fahim Ahmed Nisar Ahmed Khan	..Applicant.
<u>Versus</u>	
The State of Maharashtra & Anr.	..Respondents.

Mr. S.R.Gaud, advocate for applicant.
Mrs. S.V.Sonavane, APP for the State.
Ms. P.S.Khedekar, advocate 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 The above said application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of the Criminal Case No.2764/PW/2015 pending on the file of 4th Metropolitan Magistrate's Court at Girgaum, Bombay. The said case arises out of registration of F.I.R. bearing C.R.No.115 of 2014 with V.P.Road Police Station at the instance of respondent no.2 for the offence

punishable under Sections 323, 337, 504, 506 (2) read with Section 34 of the Indian Penal Code, 1860 and Sections 37(1)(A) and 135 of the Maharashtra Police Act.

3 Pending trial, parties have settled their disputes amicably and in pursuance of understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent no.2 has filed affidavit dated 15.9.2015. In paragraph 5 of it, he has given 'no objection' to quash the proceedings of the subject criminal case. Respondent no.2 is personally present in the Court. On specific query, he stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject criminal case is quashed and set-aside.

3 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.

4. Accordingly, the application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.5,000/- by the applicant to the **"Kirtikar Law Librarary"** . The applicant 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.

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

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.