

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI. APPLICATION NO. 1018 OF 2015**

Shahbaz @ Shebaz Hussain
Sardar Shaikh

Applicant.

Vs

1. Zeenat d/o Yusuf Patel
2.The State of Maharashtra

.. Respondents

WITH

CRI. APPLICATION NO. 1040 OF 2015

Mohammed Musaib Abdul Latif
Shaikh

Applicant.

Vs

1. Zeenat d/o Yusuf Patel
2.The State of Maharashtra

.. Respondents

Mr. Husein Shaikh, Advocate for Applicant.

Ms Jindagi Shah i/b TJS legal, Advocate for respondent no.1.

Mr K.V.Saste, A.P.P for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 06TH OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P. appearing for the respective parties.

2. Both these Applications are filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside proceedings of the Criminal Case No.764/PS/2011 pending on the file of the learned 2nd Metropolitan Magistrate's Court at Sewree. The said case arises out of registration of F.I.R. bearing C.R.No.191 of 2010 with Pydhonie Police Station at the instance of respondent no.1 against the applicants for the offence punishable under Sections 323, 354, 504, 506 read with

Section 34 of the Indian Penal Code, 1860.

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 proceedings of the subject criminal case by consent. Respondent no.1 has filed separate affidavit dated 6.10.2015 in both the Applications. In paragraph 5, she has given no objection to quash proceedings of the subject criminal case against the applicants in both the applications. Respondent no.1 is personally present in the Court. On our specific query, she has stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of subject criminal case against the applicants are quashed and set-aside.

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 applicants for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, both the Applications are allowed in terms of prayer clause (a), qua the applicants, subject to payment of costs of Rs.5,000/- each by the applicants. The applicants shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal Applications shall stand dismissed automatically without further reference to the Court.

6. At this stage, learned counsel for the applicants points out that the applicants are in custody in the subject Criminal Case/F.I.R in execution of the warrant. Since the proceedings of the subject criminal case bearing C.R.No.191/2010 and the subject F.I.R against the applicants are quashed and set aside by the present order, the applicants are directed to be released forthwith, if not required in any other offence.

7. Subject to above, Criminal Applications stand disposed of.

8. Parties and all concerned 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 order.