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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1268 OF 2014

Smt. Nazma Bano Shakil Akhtar Ansari and ors.Applicants
versus
Mr. Mujeebur Rehman Siddiqui and anr.Respondents

Mr. Khan Ishrat Ali Azhar Ali, advocate for the applicants.
Mr.S. R. Gaud, advocate for respondent No.1.
Mrs. M. H. Mhatre, APP for the State.

CORAM : RANJIT MORE &
A. S. GADKARI, JJ.

DATED : 27th JANUARY, 2015.

P.C.:

This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of criminal case No.544/PW/2011 pending on the file of learned Metropolitan Magistrate, 46th Court at Mazgaon(Sewree), Mumbai.

2. At the instance of respondent No.1, Agripada Police Station, Mumbai registered C.R.No.10 of 2011 on 12th January, 2011 against the applicants for the offences punishable under Sections 420, 506,365, 411 read with Section 34 of the Indian Penal Code. After completion of the investigation, the investigating agency filed charge-sheet which was numbered as criminal case No.544/PW/2011.

3. During the pendency of the said criminal case, the applicants and respondent No.1 settled their dispute amicably and filed the instant application for quashing the proceedings of the said criminal case by consent. Respondent No.1 has filed an affidavit dated 27th January, 2015. In paragraph 4 of the said affidavit, he has stated that he has no objection for quashing and setting-aside the proceedings of the said criminal case. Respondent No.1 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of criminal case No. 554/PW/2011 are quashed and set-aside. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

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. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

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 criminal proceedings. 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.

6. Accordingly, the application is allowed in terms of prayer clause (C) subject to payment of cost of Rs.10000/- by the applicants to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)