

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.43 OF 2016

Adnan Manzur Shaikh and ors.	Applicants
Versus	
The State of Maharashtra and anr.	Respondents

Mr. A. N. Pathan, advocate for the applicants.
Mr. J. P. Yagnik, APP for the State.
Mr. Nilesh Tribhuvan along with Ms. Sakhil Sheriff, advocate for respondent No.2.

**CORAM : RANJIT MORE &
S. C. GUPTA, JJ.**

DATE : 25th JANUARY, 2016.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of CC No.57/PW/2013 pending on the file of learned JMFC, 67th Court at Borivali, Mumbai. The said case arises out of FIR bearing C.R.No.247 of 2012 registered with Goregaon Police Station, at the instance of respondent No.2, for the offences punishable under Sections 332, 353 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 25th January, 2016. In paragraph 4, he has given his no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.2 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 of the subject criminal case are quashed and set-aside. He also stated that he is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

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 (d) subject to payment of costs of Rs.10000/- by the applicants to the **“Kirtikar Law Library”**. 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, failing which, the application shall stand dismissed automatically without further reference to the Court.

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

[S. C. GUPTE, J.]

[RANJIT MORE, J.]