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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.60 OF 2016

Adam Baba Nawab Qureshi Applicant.
versus
1. State of Maharashtra
2. Dilbar Ali Noor Mohd. Shah Respondents

Mr. S. R. Gaud for the Applicant.
Mr. F.R. Shaikh, APP for the State.
Mr. M. D. Sapkale for Respondent No.2.

**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATED : 20TH JANUARY, 2016.

P.C.:

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

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the criminal proceedings bearing C.C.No.1964/PW/2015 pending on the file of learned Chief Metropolitan Magistrate at Girgaum, Mumbai. The said criminal case arises out of FIR No.174 of 2015 registered with V.P. Road Police Station, at the instance of respondent No.2, for offences punishable under Sections 323, 326, 504, read with 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties have settled their dispute amicably,

and have approached this Court for quashing and setting-aside the subject proceedings. Respondent No.2 has filed an affidavit dated 20th January, 2016. In paragraph 5 he has given no objection to quashing and setting aside 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 understood the contents thereof and he has no objection if the subject proceedings is quashed and set-aside. He also stated that he is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

4. We have also gone through the FIR. It reveals that the Applicant and Respondent No.2 are friends. The incident in question occurred at spur of moment and there was no intention to assault or that assault was not preplanned. The applicant and Respondent No.2 are residing in the same locality. The applicant has no antecedents. In the circumstances we are of the opinion that the quashing of the proceedings in the subject criminal case will maintain good and cordial relations between the parties.

5. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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. In that view of the matter and in the interests of justice, the subject FIR is required to be quashed and set-aside. 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 criminal proceeding bearing CC. No.1964/PW/2015 pending on the file of learned Chief Metropolitan Magistrate at Girgaum, Mumbai arising out of FIR No.174 of 2015 registered by V.P. Road Police Station is quashed and set-aside qua the applicant subject to payment of costs of Rs.10,000/- by the applicant to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The applicant shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, 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.

(A. K. MENON, J.)

(RANJIT MORE, J.)