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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 75 OF 2016

Ms. Tanvi Jignesh Shah .. Applicant
V/s.
Shri Aakhtar Abdul Latif Shaiek and anr. .. Respondents

Mr. S.S. Karmarkar for the applicant.

Mr. K.V. Saste, APP for respondent-State.

Ms.Reshma Apte for respondent no. 2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : FEBRUARY 12, 2016**

P.C. :-

1.. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned A.P.P. for the State.

2. This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the proceedings being criminal case No. 1031/PW/2014 pending on the file of Metropolitan Magistrate, 24th Court, Borivali, Mumbai on the basis of F.I.R. bearing No. 354 of 2013 with Malwani Police Station, at the instance of respondent No.1 against the applicant for the offences punishable under Section 363 of the Indian Penal Code.

3. Pending trial, the parties amicably settled their dispute and have approached this Court for quashing the subject criminal case by consent. Respondent No.1 has filed an affidavit dated 31st January, 2016. In paragraph 7, he has stated that he has no objection if the subject criminal case is quashed. Respondent No.1 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.1 specifically 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. 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 **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the criminal case pending

on the file of the learned Metropolitan Magistrate, 24th Court, Borivali, Mumbai is required to be quashed. Accordingly, the application is made absolute in terms of prayer clause (a)

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)