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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.110 OF 2016

Akbar Anis Ahmed Khan

..Applicant.

V/s.

State of Maharashtra and Anr.

..Respondents.

Ms.S.A.Sothe for the applicant.

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

Mr.P.S.Kharate for respondent No.2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 10TH FEBRUARY, 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 the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Criminal Case No. 327/PW/2013 pending on the file of 12th Metropolitan Magistrate Court, Bandra, Mumbai on the basis of F.I.R. bearing C.R. No.139/2012 registered with Bandra police station, Mumbai at the instance of respondent No.2 against the applicant for the offence punishable under Section 509 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.2 has filed an affidavit dated 9th February, 2016. In paragraph 4, he has stated that he has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. She also stated that she 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 No.327 /PW /2013 pending on the file of the learned 12th Metropolitan Magistrate Court, Bandra, Mumbai is required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, the application is made absolute in terms of prayer clause A subject to payment of costs of Rs.5,000/- by the applicants, to be deposited with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes within a period of 2 weeks from today and thereafter produce the receipt thereof on the file of this application, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

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

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)