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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.592 OF 2016

Vakil Ahmed Malik and Ors.

..Petitioners.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.V.M. Deshmukh for the petitioners.

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

Mr.P.V. Gavai for respondent Nos.2 to 4.

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

DATED : 26TH FEBRUARY, 2016

P.C. :-

1. Heard learned counsel for the petitioners, learned counsel for respondent Nos.2 to 4 and learned A.P.P. for the State.

2. This petition is filed under Article 226 of the Constitution and under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal case No.2430/PW/2011 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai. The

said case arises out of F.I.R. bearing C.R.No.416/2010 registered with Sahar police station, Mumbai at the instance of respondent No.2 against the petitioners for the offence punishable under Sections 324, 323, 504 and 114 of the Indian Penal Code.

3. Pending trial, the parties amicably settled their dispute and in pursuance of said understanding, they have approached this Court for quashing the subject criminal case by consent. Respondent No.2 and the injured witnesses have filed affidavit dated 24th February, 2016. In paragraph 2, they has stated that they have no objection if the subject criminal case is quashed. Respondent No.2 as well as injured witnesses are personally present before the Court. They are identified by their Advocate. On being questioned, they have specifically stated that they have gone through the affidavit and have fully understood the contents thereof and have no objection if the subject criminal case is quashed. They have also stated that they are 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 personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious 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.2430/PW/2011 pending on the file of Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai is required to be quashed. However, at the same time, cost needs to be saddled as considerable time has been spent in investigation of the case by police.

5. Accordingly, the petition is made absolute in terms of prayer clause (i) subject to payment of costs of ₹20,000/- to be paid by the petitioners. The amount be deposited with the State Bank of India, Bund Garden Branch,

Pune in Account No.35226127148, IFSC Code-SBIN0006319 of *NAAM FOUNDATION* within a period of 4 weeks from today and thereafter produce the receipt thereof on the file of this petition, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to the above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)