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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 862 OF 2016**

Altamash Uvais Khan

..Petitioner

Versus

The State of Maharashtra and anr.

..Respondents

Mr. K.S. Patil for the petitioner.

Mr. K.V. Saste, APP for the State.

Mr. R.H. Patil for respondent no. 2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 01 MARCH, 2016.**

P. C. :

1. Heard the learned counsel for the respective parties and the learned APP for the State.
2. This petition is filed under the provisions of Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing CC NO.643/PS/2013 pending in the Court of Metropolitan Magistrate Judge, 65 Court, Andheri on the basis of F.I.R. bearing C.R.No.I 292/2012 with the Oshiwara police station at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 279, 338 of the Indian Penal Code and sections 146 and 196 of the Motor Vehicles Act.

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 01/03/2016. In paragraph 3, he has stated that he has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent No.2 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 Judge, 65 Court,

Andheri 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 petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- to be paid by the petitioner to Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

Subject to the above, the petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]