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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1145 OF 2015

Mohd. Hanif Addul Khaliq Idris
V/s.

..Applicant.

State of Maharashtra and Anr.

..Respondents.

Mr.V.R.Randive for the applicant.

Mrs.S.V. Sonavane, APP for respondent-State.

Mr.Kunal V. Phoole for respondent Nos.2 and 3.

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

DATED : 1ST FEBRUARY, 2016

P.C. :-

1. Heard learned counsel for the applicant, learned counsel for respondent Nos.2 and 3 and learned APP 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.2195/PW/2015 pending before Metropolitan Magistrate, 9th Court, Bandra, Mumbai. The said case arises out of F.I.R. bearing C.R. No. 50/2014 registered

with Mahim police station, at the instance of respondent No.2 filed on behalf of respondent No.3 against the applicant for the offences punishable under Sections 380, 308, 420 read with Section 34 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. Mr.Simon Joseph Andrew, Respondent No.2 an official of respondent No.3 has filed an affidavit dated 21st September, 2015 along with the certified true extracts of the Resolution passed in the meeting of Board of Directions held on 7th September, 2015. By the said Resolution, Mr.Simon Joseph Andrew is authorised to appear before this Court and file affidavit for comprising the subject case against the applicant. 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. 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 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, Criminal Case No.2195/PW/2015 pending on the file of the Metropolitan Magistrate, 9th Court, Bandra, 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 application is made absolute in

terms of prayer clause (a) subject to payment of costs of Rs.5,000/- to be paid by the applicant to the Kirtikar Law Library within a period of two 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.)