

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 138 OF 2017**

Mohmmad Amiruddin Haji Gasuddin	Petitioner
versus	
The State of Maharashtra and anr.	Respondents

Mr. Ranjeeth Patil, advocate for the petitioner.
Mrs. Aruna S. Pai, APP for the State.
Ms. Heena Suvarnakar, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 15th JUNE, 2017.

P. C. :

Heard Mr. Patil, learned counsel for the petitioner, Ms. Suvarnakar, learned counsel for the respondent No.2 and Mrs. Pai, learned APP for the State.

2. The petition is filed for quashing and setting-aside the criminal case being Sessions Case No.159 of 2011 pending on the file of learned Additional Sessions Judge, Greater Bombay, Borivali Division at Dindoshi. The said case arises out of registration of FIR bearing CR No.I-201 of 2009 with Malwani Police Station, Mumbai, at the instance of respondent No.2 against the petitioner and three unknown persons for

the offences punishable under Sections 452, 504, 323, 506(II), 195-A and 114 of the Indian Penal Code, 1860.

3. Pending trial, the parties settled the dispute amongst themselves amicably and, in pursuance of an understanding arrived at between them, filed the present petition for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 15th June, 2017. In paragraph 5, he has given his no objection for quashing and setting-aside the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the subject criminal case are quashed and set-aside. He also stated that he is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

3. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR**

SCW 20651, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25,000/- by the petitioner to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

5. Subject to above, the writ petition is disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]