

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.966 OF 2017

Sarfaraz Hanif Khan

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.K.H. Holambe Patil, i/b. K.K. Holambe Patil, Advocate for the Petitioner.
- Ms.S.D. Shinde, APP for the State/Respondent.
- Mr.Rajendra Sorankar, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 01st JULY, 2017.**

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.
2. The criminal application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Criminal Case No.1669/09 pending on the file of 9th Judicial Magistrate First Class at Thane. The said case arises out of Crime No.604/09 of Mira Road Police Station, at the

instance of respondent No.2, for the offences punishable u/s 4, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. Pending trial of the subject case, the parties to the application have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing proceedings of the subject criminal case by consent. The respondent No.2 has filed affidavit dated 30/06/2017. In paragraph No.2 he has given no objection for quashing the subject criminal case. The Respondent No.2 is personally present in the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has fully understood the contents thereof. He has further confirmed that he is giving no objection for quashing the subject criminal proceeding 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. 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 2065)**, 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.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs 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 costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petitioner shall stand dismissed automatically, without further reference to the Court.
6. Subject to above, the writ petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)