

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

CRIMINAL WRIT PETITION NO.1577 OF 2016

Mohammad Javed Abdul Wahid
Pathan & Ors.

.... Petitioners

versus

The State of Maharashtra & Ors.

... Respondents

.....

- Mr.D.K. Ali i/b. A.A. Siddiqui & Associates, Advocate for the Petitioners.
- Mr.K.V. Saste, APP for the State/Respondent.
- Mr.Shaikh Mohd. Imran, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 24th JULY, 2017.**

P.C. :

1. The learned counsel for the petitioners at the outset seeks leave to amend the prayer clause, so as to give particulars of the Sessions Case number. Leave granted. Necessary amendment shall be carried out forthwith.
2. Heard the learned counsel for the petitioners, respondent No.2 and learned APP.

3. The petition is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Sessions Case No.580/16 pending on the file of learned Additional Sessions Judge, Mumbai. The said case arises out of registration of FIR bearing C.R.No.428/13, with Shivaji Nagar Police Station, Mumbai, at the instance of respondent No.3 for the offences punishable u/s 326, 324, 504, 506-II r/w 34 of the Indian Penal Code.
4. Pending trial of the subject case, the parties to the petition have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the subject Sessions Case by consent. The respondent No.2 as well as injured persons Zulfikar Ahmed have filed separate affidavits dated 11/07/2017 and 17/07/2017 respectively. In the said affidavits they have given no objection for quashing the subject Sessions Case.

5. Both complainant and injured Zulfikar Ahmed are present before this Court. On specific query made by this Court, they have stated that they have made the said affidavits on their own and without there being any pressure or coercion. They have further confirmed that they have no objection for quashing proceeding against the petitioner in Sessions Case No.580/16, arising out of FIR bearing C.R.No.428/13, registered with Shivaji Nagar Police Station, Mumbai, at the instance of respondent No.2 for the offences punishable u/s 326, 323, 504, 506-II r/w 34 of the Indian Penal Code.

6. 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.

7. Accordingly, the petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs.10,000/- by each of the petitioner to **“Maharashtra State Legal Aid Services Authority”**. The petitioners 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 petition shall stand dismissed automatically, without further reference to the Court.

8. Subject to above, the petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)