

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

CRIMINAL APPLICATION NO. 414 OF 2015

Mohteshim Ahmed Khan.

..Applicant.

Vs.

The State of Maharashtra & ors.

..Respondents

**Mr. Niranjan Mundargi a/w. Ms. Kavisha shah i/b. India Law Alliance,
advocate for the applicant.**

Mr. Selyun Pardes, advocate for the respondent Nos. 2 and 3.

Mrs. P.P. Shinde, APP for State.

**CORAM : RANJIT MORE, J &
SMT.SADHANA S. JADHAV,J
DATE : SEPTEMBER 18, 2017**

P.C.

1 Not on board. Upon mentioning taken on board and heard
alongwith Criminal Application No. 415 of 2015

2 Mr. Mundargi, learned Counsel for the applicant at the outset
seeks deletion of the name of Respondent No. 4 as his whereabouts are not
known. Leave granted. Necessary amendments shall be carried out during the
course of the day.

3 The applicant has approached this Court invoking jurisdiction

under section 226 of the Constitution and under section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of C.C. No. 320/PS/2013 pending on the file of the Metropolitan Magistrate, 9th Court, Bandra. The said case arises out of registration of FIR No. 216/2012 with Khar Police Station for offence punishable under section 279 and 338 of the Indian Penal Code and Section 3 read with section 181 of Motor Vehicles Act, 1988.

4 Pending the trial, the parties have settled their disputes amicably and accordingly filed consent terms before the Motor Accident Claim Tribunal for Greater Mumbai. The copies are annexed at Exh. F at page 54 and 58 of the compilation.

5 In pursuant to the understanding arrived at between the parties, the applicant has approached this Court for quashing of the subject criminal case. The respondent Nos. 2 and 3 have filed separate affidavit dated 23/4/2015. In paragraph—6 they have given no objection for quashing the proceedings pending before concerned Court.

6 Both the respondent Nos. 2 and 3 are personally present. On specific query, they have stated that they have gone through the contents of

the affidavit and they have understood the same and they have signed the affidavit with free will and without coercion and influence. They also stated that they have no objection to quash the subject criminal proceedings pending against the applicant.

7 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** reported in 2014 AIR SCW 206, 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.

8 Accordingly, the Criminal Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only), to be paid to the Kirtikar Law Library. The applicant 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 Criminal Application shall stand dismissed automatically without further reference to the Court.

9 Subject to above, the Criminal Application stands disposed off.

[SMT.SADHANA S. JADHAV,J]

[RANJIT MORE, J]