

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 727 OF 2017

Mr. Aarif Bashir Khan & Ors.

....Applicants

V/s.

The State of Maharashtra

(Through Versova Police Station)

....Respondents

* * * * *

Mr. Rahul Dangle, Advocate for the applicants.

Ms. Archana Uday Suple, Advocate for the respondents.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

8TH AUGUST, 2017.

P.C. :-

1. This application under Section 482 Criminal Procedure Code is preferred by the applicants, accused in C.C. No.1226/PW/2015 arising out of C.R. No. 22 of 2015 registered with Versova Police Station under Sections 324, 504, 506 read with Section 34 Indian Penal Code

registered at the instance of respondent no.2 herein. The applicants and the complainant have settled the disputes amicably and have stated so in the Affidavits filed alongwith these petitions in the form of consent terms. The complainant, Mr. Fulchand Sultan Shaikh (respondent no.2) herein has filed an Affidavit on 27th June, 2017 wherein he stated that it is mutually agreed between him and the applicants to amicably settle the dispute in respect of C.C. No.1226/PW/2015 originating from C.R. No.22/2015 and that he is not desirous of continuing the prosecution against the applicant in the said case. The applicants and respondent no.2 are relatives. Having regard to the facts that the dispute between the applicant and the victim has been settled, in our opinion, continuation of the criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.

2. In view of the facts of the case and in view of the guidelines laid down by the Apex Court in the case of **Gian Singh V/s. State of Punjab and Ors. reported in (2012) 2 SCC (L&S) 998** we are inclined to allow the petition by quashing the proceedings in C.C. No. 1226/PW/2015 pending on the file of the Learned Metropolitan Magistrate, Railway Mobile Court at Andheri. The Application is disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)