

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4595 OF 2017

Aarif Abdul Latif Shaikh and Another. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Ms. Megha Bajare i/b Mr. K. S. Patil for the Petitioner.

Mr. S. S. Pednekar, APP for the State.

Mr. Ranjeet Patil for Respondent No. 2.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.

Date : **November 16, 2017.**

P. C. :

1. Heard the learned Counsel for the Petitioner, the learned Counsel for Respondent No.2 and the learned APP for the State.

2. The petition is filed for quashing the proceedings of Criminal Case No. 694/PW/2017 pending on the file of learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai. The said case arises out of FIR bearing CR. No. 228 of 2015 registered with D. N. Nagar Police Station, Mumbai at the instance of Respondent No. 2 for the offence punishable under section 324 and 504 read with 34 of the Indian Penal Code, 1860.

3. The learned Counsel appearing for the respective parties

submitted that during the pendency of above criminal proceedings, with the help and intervention of friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above criminal proceedings, by consent of Respondent No. 2.

4. Respondent No.2 has filed an affidavit dated 16th November 2017. In paragraph 5, he has given no objection to quash the said criminal proceedings against the Petitioner.

5. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR /criminal proceedings initiated by him against the Petitioner.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex

Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a). In the circumstances, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, which shall be paid to **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]