

CRIMINAL WRIT PETITION NO.4624 OF 2016

Hasan Ali Noormohammed Shirgaonkar	 Petitioner
versus	
The State of Maharashtra & Anr.	... Respondents
.....	

- CORAM : RANJIT MORE &
A. S. GADKARI, JJ.**
DATE : 28th JULY, 2017.

P.C. :

1. Heard the learned counsel for the applicant, respondent No.2 and learned APP.
2. The petition is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of Sessions Case No.557/14 pending on the file of learned District & Sessions Court, Thane. The said case arises out of FIR bearing C.R.No.II-3/14, registered with Nerul Police Station, Navi Mumbai, at the instance of respondent No.2 for the offences punishable u/s 3(1)(10) of the Scheduled Casts and the

Scheduled Tribes (Prevention of Atrocities) Act, 1989 and u/s 504, 506 of the Indian Penal Code.

3. 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 criminal case by consent. The respondent No.2 has filed an affidavit dated 19/06/2017. In paragraph No.3, he has stated that dispute between himself and petitioner is settled and he has decided to withdraw the proceedings of the subject criminal case.
4. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject Criminal Case is quashed and set aside. He also stated that he is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.
5. 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.

6. Accordingly, the petition is allowed in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- by the petitioner to the **“High Court Legal Aid Services Authority”**. 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 petition shall stand dismissed automatically, without further reference to the Court.
7. Subject to above, the criminal writ petition stands disposed off.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)