

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1120 OF 2018**

Ranjeetkumar Viren

..Petitioner

Vs.

Sayed Mohammed Patel & Anr

..Respondents

Mr. S. A. Vaidya a/w Mr. Rahul Kadu for the Petitioner

Mrs. P. P. Shinde APP for the Respondent State

Ms Mailaqua Mir a/w Mr. Abhishek Chitre for the Respondent No.1

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ**

DATE : 13th JUNE, 2018

P.C.

1 The quashing of the proceedings being C. C. No.1496/PW/2013 arising out of C.R. No.33 of 2013 pending on the file of the Learned Metropolitan Magistrate 68th Court Borivali, Mumbai, is sought by way of the above Writ Petition. The said C. R. has been registered for offences punishable under Section 324, 323 r/w 34 of the Indian Penal Code, 1860. The said C. R. is a fall out of the incident which took place on 27-3-2013. It is not necessary to dilate further on facts.

2 The first informant i.e. the Respondent No.1 herein has filed an affidavit dated 23-4-2018 sworn in this Court on the said date. In the context of the relief sought in the above Writ Petition, paragraphs 2 and 3 of the said affidavit are material and are reproduced hereinunder:

2. I say that all complaints pending against each other are withdrawn forthwith in terms of the amicable settlement arrived outside the court by and between the Petitioners group and my group. I thus, have no objection for quashing of the complaint filed by me against the Petitioners and other accused and I record my irrevocable consent to allow the above Petition in terms of my affidavit filed before this Hon'ble Court.

3. I say that in view of the settlement arrived at by and between myself and the Petitioners as well as the other accused, the complaint be therefore quashed as I have no grievance against the Petitioners and other co-accused and that all the complaints including the instant complaint is withdrawn and that there are no claims and/or complaints pending against each other in view of the settlement.

3 The Respondent No.1 Sayed Patel is personally present in Court. He is identified by the Learned Counsel Ms Mir. He is also identified by his Adhar Card No.824457283222. When put in the box and queried, he states that he has been read over and explained the contents of the said affidavit and that he has understood the said contents. He further states that he does not want to proceed with the case in question in view of the settlement between the parties.

3 The Petitioner Ranjeetkumar Viren is personally present in Court. He is identified by the Learned Counsel Mr. Vaidya. He is also identified by his Pan Card bearing No.AWOPV2016R. When put in the box and queried he accepts the factum of settlement between him and the Respondent No.1, as a

result of which the Respondent No.1 does not desire to proceed with the case in question.

4 Having regard to the affidavit filed by the Respondent No.1, the statements made by the Respondent No.1 and the Petitioner when put in the box and queried, the same indicate that the parties have settled their dispute as a result of which the Respondent No.1 does not desire to proceed with the case in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr¹** and **Narinder Singh & ors v/s. State of Punjab & Anr²**, no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a), resultantly the proceeding being CC No.1496/PW/2013, would stand quashed and set aside. The above Criminal Writ Petition is accordingly disposed of.

6 The Petitioner to deposit costs of Rs.25,000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065