

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

CRIMINAL APPLICATION NO.560 OF 2018

Sharif Lallan Khan

.... Applicant

versus

The Senior Police Inspector & Ors.

... Respondents

.....

- Mr.Sharif Shaikh a/w Mr.Afroz A. Siddiqui & Sajid Qureshi, Advocate for the Applicant.
- Ms.Prerna Sharma i/b. Nilesh Tribhuvann, Advocate for Respondent No.2.
- Mr.Deepak Thakare, PP a/w Mrs.P.P. Shinde, APP for the State/Respondent.

**WITH
CRIMINAL APPLICATION NO.561 OF 2018**

Sivakolundu Annamalai & Ors.

.... Applicants

versus

The Senior Police Inspector & Ors.

... Respondents

.....

- Ms.Prerna Sharma i/b. Nilesh Tribhuvann, Advocate for the Applicants.
- Respondent No.2 Sharif Lallan Khan present.
- Mr.V.B. Konde-Deshmukh, Addl.P.P. for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**

DATE : 04th MAY, 2018.

P.C. :

1. Insofar as Criminal Application No.560/18 is concerned, the Applicant seeks quashing of the proceedings being C.C.No.459/PW/2006 arising out of the FIR being C.R.No.381/05 registered with Sakinaka Police Station, for the offences punishable u/s 452, 323, 504, 506 r/w 34 of the Indian Penal Code.
2. Insofar as Criminal Application No.561/18 is concerned, the same seeks quashing of proceedings being C.C. No.460/PW/2006 arising out of the FIR being C.R.No.382/05 also registered with Sakina Police Station.
3. The said cases of which quashing is sought can be said to be cross cases arising out of the cross FIRs, which have arisen out of the same incident. The First Informants in both the cases have filed their affidavits indicating their consent for quashing of the proceedings. Insofar as Criminal Application No.560/18 is

concerned, the First Informant i.e. Sivakolundu Annamalai has filed an affidavit which is sworn in this Court on 21/04/2018. In the context of the relief sought in the said Application paragraph Nos.3 and 4 of the said affidavit are material and are reproduced hereinunder;

“3. I say that I have no personal grudge or grievance against the aforesaid accused persons. I further say that I do not want to proceed with the aforesaid matter which is registered against the aforesaid accused persons.

4. I say that I am having no objection if the aforesaid case i.e. C.C.No.460/PW/2006 arising out of C.R.No382 of 2005 registered with Sakinaka police station and which pending at Metropolitan Magistrate Court, Andheri, is quashed.”

4. The First Informant in Criminal Application No.561/18 i.e. the Respondent No.2 has also filed an affidavit which is para-materia to the affidavit filed by the First Informant in Criminal Application No.560/18. The First Informant has therefore given his no objection to quash the proceedings being

C.C.No.459/PW/2006. Both the First Informants are personally present in Court.

5. Insofar as the First Informant Sivakolundu Annamalai is concerned, he is identified by learned Counsel Ms.Pruna Sharma. He is also identified by his Aadhar Card bearing No.5883 4445 1898. When put in the box and queried, he states that he has read and understood the contents of the said affidavit filed on his behalf. He further states that in view of the settlement between the parties, he does not desire to proceed with the case in question.

6. The First Informant in the second Application i.e. Sharif Lallan Khan is also present in Court. He is identified by learned Counsel Mr.Sharif Shaikh i/b. Mr.Afroz A. Siddiqui & Sajid Qureshi. He is also identified by his Aadhar Card No.6041 3785 5235. When put in the box and queried he states likewise Sivakolundu Annamalai namely, that he does not want to proceed with the case in question in view of the settlement between

the parties. The said First Informants are the Applicants in the respective Applications and therefore it is not necessary to record their statements as Applicants/Accused.

7. Having regard to the affidavit filed by the First Informants, the statements made by them when put in the box and queried, the same indicate that the parties have settled their dispute, as a result of which the First Informants in each of the cases does not desire to proceed with the case in question.

8. Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s. State of Punjab & Anr. Reported in (2012) 10 SCC 303 and Narinder Singh & Ors. V/s. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Applications. No useful purpose would be served in keeping the proceedings pending.

9. The above Criminal Applications are accordingly

allowed in terms of prayer clause (a). The Applicants in both the Applications to deposit costs of Rs.10,000/- each totalling Rs.20,000/- with the National Association of Blind, Worli, Mumbai, within six weeks from date. Receipts to be obtained and filed in the Registry.

10. Parties to act on a copy of this order duly authenticated.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)