

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.884 of 2018

Pratibha Pushpkumar Sharma .. Applicant
Versus
Mohamed Mushtaq Ali Laljee & Anr .. Respondents

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Mr. Rajesh Singh i/b Legal Liaisons for the applicant.
Mr.V.R. Sutaria for respondent no.1.
Mrs.P.P. Shinde, APP for the State.

CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.
DATED : 17th SEPTEMBER 2018

P.C:-

1 Heard learned counsel for the applicant, learned counsel for respondent no.1 and the learned APP for the State.

2 The applicant has approached this Court by invoking jurisdiction under Section 482 of the Code of Criminal Procedure to quash the proceedings of the Criminal Case bearing No. 608/PW/2016 pending on the file of learned Metropolitan Magistrate, 12th Court at Bandra, Mumbai. The said case arises out of the registration of the FIR bearing MECR No.235 of 2015 at the instance of respondent no.1 with Dharavi Police Station at Mumbai for offences punishable under Sections 420, 465, 468, 471 w/s Section 34 of the Indian Penal Code.

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3 Pending trial as well as pending this application, parties have settled their dispute amicably and have filed consent terms which are recorded in the orders dated 4th May 2018 and 5th June 2018 by the learned Single Judge in Notice of Motion No.11867 of 2018 in Suit No.585 of 2017.

4 In terms of the understanding arrived at between the parties, they have approached this Court for quashing of the FIR. Respondent no.1 has accordingly filed an affidavit dated 12th September 2018. In paragraph 5 of the said affidavit he has given no objection for quashing the subject FIR. In paragraph no.6, he has stated that he is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

5 Respondent no.1 is personally present before the Court. On specific query, he has stated that he has given no objection for quashing the subject FIR.

6 The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

1 [2014 AIRSCW 2065]

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of 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. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

7 In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh** (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed.

8 Accordingly, criminal application is allowed subject to deposit of costs of Rs.5,000/- by the applicant into the

account of Tata Memorial Hospital within a period of two weeks from today. The applicants shall deposit 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 aforesaid order allowing the criminal application would automatically stand recalled.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)

Manali
Prasanna
Tilak

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Prasanna Tilak
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