

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 509 of 2019**

Mr. Shamshuddin Javed Khan and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Sandesh More, advocate for the petitioners.
Mr. K. V. Saste, APP for the State.
Mr. Kishor Walanje, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 25th March, 2019.

P. C. :

The learned counsel for the petitioners, at the outset, seeks leave to amend the prayer clause of the petition so as to give particulars of the criminal case. Since the amendment is necessitated by occurrence of events subsequent to the filing of the petition, leave as prayed for is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. The petition is filed for quashing and setting-aside the criminal case No.76 of 2018 pending on the file of th learned Metropolitan

Magistrate, 12th Court at Bandra. The said case arises out of registration of FIR bearing CR No.267 of 2017 registered with Sahu Nagar Police Station, Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 326, 323, 504 and 34 of the Indian Penal Code, 1860.

4. Pending trial, the parties to the petition settled their dispute amicably with the intervention of the elders and well-wishers and, in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 28th January, 2019. In paragraph (4), he has given his no objection for quashing the proceedings of the subject case. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and affidavit as well and has fully understood the contents thereof. He further confirmed that he has given no objection for quashing the proceedings of the subject criminal case out of his own 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 writ petition is allowed in terms of prayer clauses (B) and (C) subject to payment of costs of Rs.15,000/- by the petitioners to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court.

7. Subject to above, the writ petition is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]