

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

WRIT PETITION NO.1720 OF 2018

Mohammad Rizwan Mohammad
Kuddus Shaikh @ Rizwan Kania

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Vijay D. Upadhyay for the Petitioner.

Mr. R.R. Shaikh, APP for the Respondent-State.

Ms Asha Kanzaria for the Respondent No.2.

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

DATE : 10th JULY, 2019.

P.C.:-

Not on board. Upon being mentioned on the ground of urgency, taken on board.

2. At the outset, the learned counsel for the Petitioner seeks leave to amend the petition, so as to give particulars of the case number. Leave is granted. Necessary amendment shall be carried out forthwith.

3. Heard learned counsel for the Petitioner and learned APP appearing for the State.

4. The Petition is filed for quashing the proceedings of Criminal Case No.3141/PW/2016 pending on the file of the learned Additional Metropolitan Magistrate, 24th Court, Borivali, Mumbai. The said case arises

out of registration of FIR No.715 of 2015 with Malvani Police Station, Mumbai at the instance of the Respondent No.2, for the offences punishable under Sections 324, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860.

5. Pending trial, the parties to the Petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant Petition for quashing the proceedings of the subject criminal case by consent. The Respondent No.2 has filed an affidavit dated 10th July, 2019. In paragraph 6, he has given his no objection for quashing the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the Petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he is giving no objection for quashing the proceedings of the subject criminal case on his own free will and without there being any pressure or coercion.

6. 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.

7. Accordingly, the Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the Petitioner to the **“Yashodhan Charitable Trust”** (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB000305) an Institution that takes care of mentally retarded and elderly people in the downtrodden society. 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 Writ Petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as non-est.

8. Subject to above, the Writ Petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]

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