

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

CRIMINAL WRIT PETITION NO.3337 OF 2019

Kaif Shoeb Shaikh @
Kaif Mohammad Shaikh

..Petitioner

V/s.

The State of Maharashtra & Anr.

.. Respondents

Mr.Akhilak Khan for the Petitioner.

Mr.K.V. Saste, APP for the Respondent-State.

Mr.Ankita Upadhyay for Respondent No.2.

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

DATE : 11th JULY 2019

P.C.

1. The present Writ Petition is filed seeking quashment of C.R.No.311 of 2016 registered by Santacruz Police Station and the subsequent charge-sheet and Criminal case bearing CC No.1040/PW/17 pending on the file of the learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai.

2. The criminal case involves application of Sections 323, 324, 504, 506, 144, 147, 148 and 149 of the Indian Penal Code against the present petitioner.

3. During the pendency of the Criminal Proceeding parties have settled their dispute amicably and in pursuant of the said settlement respondent No.2 who is original complainant has placed an affidavit dated 11.07.2019. In the said affidavit, the complainant has stated as under:-

“5. I say that the said Mr.Kaif Shoeb Shaikh was not at all involved in the altercation and he did not assault me. I say that he intervened and interfered in the said altercation and pacified both the parties to the altercation.

6. I say that since the said Mr.Kaif Shoeb Shaikh is in relation to the other persons named in the Fir, in a fit of rage at that point of time, without being in a position to distinguish as to the right and wrong, I misunderstood and named him in the said above FIR as one of the accused merely due to his being in the company of the other persons named as accused in the above FIR registered by the Santa Cruz Police Station.”

4. He has also accorded no objection for quashing of the FIR in paragraph No.8 of the affidavit.

5. The respondent No.2 is personally present before the Court and on enquiry he affirms to the contents of the said affidavit and makes a categorical statement that he has given no objection

without any coercion and undue influence.

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] where it is observed as under :-

“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 :

“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.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

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 interest of justice, the criminal proceedings deserve to be quashed. However, at the same time, costs need to be saddled on the parties for putting into motion the police and judicial mechanism for settling their personal disputes.

8. Accordingly, the subject C.R.No.311 of 2016 registered by Santacruz Police Station and Criminal case bearing CC No.1040/PW/17 pending on the file of the learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai is quashed and petition is allowed in terms of prayer clause (b), subject to the petitioner

depositing cost of Rs.5,000/- to **Yashodhan Charitable Trust, Satara.** Details of the account of Yashodhan Charitable Trust, Satara are as follows :-

Account Name	:	Yashodhan Charitable Trust
Bank Name	:	Bank of Maharashtra
Account No.	:	60245873355
IFCS Code	:	MAHB0000305
Branch	:	Powai Naka, Satara
A/c. Type	:	Saving

The said amount be deposited within the period of two weeks from today and the receipt of the same be placed on record.

9. Subject to above, the criminal writ petition stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)