

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4044 OF 2019

Sajid Ahmed Shaikh & Ors.Petitioners
Versus
The State of Maharashtra & Anr.Respondents

Mr. Abhishek R. Mishra, Advocate for the Petitioners.
Mr. K.V. Saste, APP for the Respondent-State.
Mr. J.B. Mishra, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 27th AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of C.C.No.747/PW/2016 pending on the file of learned Metropolitan Magistrate, 46th Court at Sewree, Mumbai. The said case arises out of registration of FIR bearing C.R.No.1 of 2016 registered with Agripada Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 420, 406, 465, 468, 471, 497 read with Section 45 of the Indian Penal Code, 1860.
3. 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 and setting aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 5th August, 2019. In paragraph 3 thereof, 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 application and the affidavit 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.

4. 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.

5. Accordingly, the petition is allowed in terms of prayer clause (a)

subject to payment of costs of Rs.10000/- 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 criminal petition shall stand dismissed automatically without further reference to the Court and the order quashing the proceedings of the subject criminal case shall be treated as *non-est*.

6. Subject to above, the writ petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]