

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

CRIMINAL APPLICATION NO. 990 OF 2018

Gitanshu Rajeev Saboo

.. Applicant

Vs.

Sohail Hanif Sheikh

& Anr.

.. Respondents

Mr. Jeetendra Ranawat I/b Waquar Ahmad for applicant.

Mr. K.V. Saste, APP for respondent No.2-State.

Mr. Akshay A. Shah, for respondent No.1.

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

DATE : 11TH SEPTEMBER 2019

P.C.

1. Shri Ranawat, the learned counsel for the applicant, at the outset, seeks leave to amend the prayer clause to give particulars of criminal case.
2. Since the application is at the admission stage, leave, as prayed for, is granted. Necessary amendment be carried out forthwith.
3. Heard the learned counsel for the applicant, the learned counsel for the respondent No.1 and the learned APP for the respondent No.2-State.
4. The application is filed for quashing and setting aside the proceedings of Criminal Case No.PW/2291 of 2018 pending on the file of 71st Metropolitan Magistrate's Court, Bandra, Mumbai. The said case arises out

of registration of the First Information Report bearing C.R. No.525/2016 at the instance of the respondent No.1 with Santacruz Police Station, Mumbai for the offences punishable under sections 279 and 338 of the Indian Penal Code, 1860 (IPC).

5. Pending trial, parties have settled their dispute amicably and pursuant to the understanding arrived at between them, they have approached this Court for quashing the subject criminal case by consent. The respondent No.1 is personally present in Court. The respondent No.1 has filed an affidavit dated 12th September 2018. In paragraph 6, the respondent No.1 has given no objection for quashing the proceedings of the subject criminal case.

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*¹, 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

1 2014 AIR SCW 2065

judicial mechanism for settling their personal disputes.

7. Accordingly, the application is allowed in terms of prayer clause (a). However, at the same time, costs need to be saddled on the applicant for using the police and judicial machinery for settling their personal disputes. In view of this, the applicant to pay a sum of Rs.10,000/- as costs. This amount of Rs.10,000/- to be paid to “**Tata Memorial Hospital**”, an institution that takes care of the patients suffering from cancer at advance stage and/or terminally ill due to cancer. For the quashment to take effect, the applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

8. Subject to above, the criminal application stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]