

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTON

WRIT PETITION NO. 5409 OF 2018

Shovir Parvej Irani.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Ms. Shubhada D. Khot for the Petitioner.

Mr. S. R. Shinde, APP for the Respondent-State.

Mr. Sanjog Parab and Mr. Mohan Rao I/b Parab & Associates for
Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 30, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No.2 and learned APP for the Respondent-State.
2. The petition is filed for quashing and setting aside the proceedings of criminal case bearing CC No. 216/PW/2014 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. The said case has arisen from the registration of FIR bearing CR. No. 147 of 2013 with Andheri Police Station at the instance of Respondent No.2 for the offence punishable under sections 323 and 324 read with 34 of the Indian Penal Code, 1860.
3. The learned counsel for the respective parties submitted

that pending trial of above case, the parties amicably settled their disputes and accordingly entered into consent terms dated 18th March 2019 and in pursuance of the understanding arrived at between them, the parties have approached this Court for quashing the proceedings of the subject criminal case by consent of Respondent No.2.

4. Respondent No. 2 and Respondent No. 3 (the aggrieved person / victim of the said crime) have filed common affidavit dated 18th March 2019. In paragraph 7, they have given no objection to quash and set aside the proceedings of the subject criminal case against the Petitioners.

5. Respondent No.2 as well as said aggrieved person / victim of the crime are present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR /criminal proceedings initiated by them against the Petitioner.

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. There is no element of public law involved in the crime. The offence alleged

cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/- [Rupees ten thousand only], which shall be paid to **“Anandwan” Warora**, [payable in favour of “MAHAROGI SEWA SAMITI”], a non governmental organization espousing the cause of socially disadvantaged people by enhancing their livelihood capabilities through self-discovery and empowering them to contribute to the society. For the quashment to take effect, the Petitioners 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, petition

shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]