

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5957 OF 2019

Salman Amin ... Petitioner

Versus

State of Maharashtra and another ... Respondents

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Mr. Ganesh Gole alongwith Mr. Aarif Ali M. Ali instructed by Mr. Ritesh Ratnam for the Petitioner.

Ms. Rutuja Ambekar, APP for the State.

Mr. Harshil Gandhi instructed by Rizwan Merchant and Associates for Respondent No.2.

Respondent No.2 present.

PSI Bharat Koyal, Gamdevi Police Station, present.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 30 JANUARY 2024

P.C. :-

1. The Petitioner herein seeks to quash M.E.C.R. No.07 of 2014 registered with Gamdevi Police Station, Mumbai pursuant to order dated 21 November 2018 passed by the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai. The Petitioner has also sought to quash Criminal Case No.PW/366/2019 arising from the said M.E.C.R., pending before the Additional Chief Metropolitan Magistrate, 40th Court, Girgaon for offences under Section 2(b) & 3

of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

2. Learned Counsel for the Petitioner and Respondent No.2 submit that the Petitioner and Respondent No.2 are related to each other. They state that the criminal proceedings arise from and is an off shoot of civil dispute between the parties. It is stated that the parties have settled the civil dispute amicably and that they do not wish to proceed with the criminal proceedings.

3. We have perused the First Information Report lodged by Respondent No.2. The First Information Report does not disclose commission of any serious offence under the provisions of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. Respondent No.2 has filed his Affidavit stating that the civil dispute between the parties has been settled as per the consent terms dated 24 June 2022 and that as per the terms the parties have agreed not to proceed with the criminal proceedings. Copy of the consent terms is placed on record.

4. Respondent No.2 is present before the Court. He has been identified by his Advocate. Respondent No.2 confirms the contents of the Affidavit and reiterates that the dispute between them has been amicably settled and that he does not wish to proceed with the criminal proceedings.

5. The parties have settled the dispute amicably. The settlement is voluntary and genuine. Considering the said fact and also the nature of offence, in our considered view, continuance of criminal proceedings will be an exercise in futility. Hence, the order :

(i) Writ Petition is allowed.

(ii) M.E.C.R. No.07 of 2014 registered with Gamdevi Police Station, Mumbai pursuant to order dated 21 November 2018 passed by the Metropolitan Magistrate, 40th Court, Girgaon, Mumbai and the Criminal Case No.PW/366/2019 arising from the said M.E.C.R., pending before the Additional Chief Metropolitan Magistrate, 40th Court, Girgaon are hereby quashed, subject to payment of costs of Rs.50,000/- to be paid by the Petitioner as well

as Respondent No.2 to the Advocates Association of Western India Generation Next, within a period of two weeks from today and submit receipt of payment of costs to the Registry. The details of account are as under:

Name : AAWI Generation Next.

Account No. : 000110110007807

Bank Name & Branch : Bank of India, Mumbai Main Branch.

IFSC Code : BKID0000001.

(iii) The Petitioner is put to notice that in the event the costs are not paid within a period of two weeks from today, the order stands recalled.

(iv) The Registry to place the matter for compliance only if the Petitioner fails to pay the costs.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)