

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1305 OF 2014

Ms. Adiba Sajid Shaikh and Others. ..Applicants.

Versus

Afrin Siraj Sayyed. & Another. ..Respondents.

Mr. S. R. Gaud for the Applicants.

Mr. M. D. Sapkale for Respondent No. 1.

Mrs. P. H. Kantharia, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **December 24, 2014.**

P. C. :

1. At the outset, Advocate Mr.M.D.Sapkale states that he is appearing on behalf of Respondent No.1. He undertakes to file his Vakalatnama on the file of this case during the course of the day.

2. This application is filed under the provisions of section 482 for quashing the FIR bearing C.R.No.389 of 2014 registered with Nagpada Police Station, Mumbai on 12th November 2014 for the offences punishable under sections 323, 504, 506, 354, 427 read with 34 of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No.1 against the Applicants in respect of incident which took

place on 12th November 2014.

3. The learned Counsel appearing for the respective parties submitted that parties have amicably settled their disputes and decided to come together and give up the life of hatred and as such the present application is filed for quashing of the criminal proceeding in question. Accordingly, Respondent No.1 has filed her affidavit wherein in para-5 she has given her no objection for allowing the application and quashing of FIR No.389 of 2014 registered with Nagpada Police Station at her instance. In para-7 she has stated that she is giving her free consent with conscious mind, free will and without any sort of pressure, coercion, fraud applied on her by any person.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statements in her affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR in question lodged by her against the Applicants for the

offence punishable under sections 323, 504, 506, 354, 427 read with 34 of the Indian Penal Code, 1860.

5. 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. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened. Further, we see no impediment in quashing the FIR in question in the light of decision of the Apex Court in Narinder Singh vs. State of Punjab [2014 AIR SCW 2065].

6. In above conspectus of the matter, application is allowed in terms of prayer clause (b). As the police machinery was put into motion as a corollary of an unfortunate incident at the behest of Applicants, we find it would be appropriate to

saddle the Applicants with the cost of Rs.5,000/- each, which shall be paid to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. For the quashment to take effect, the Applicants shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]