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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 843 OF 2015

Mr. Muddasir Hasankhan DeshmukhPetitioner

versus

1. State of Maharashtra

2. Mr. Yusuf Ismail ChatrisaRespondents

Mr. Parvez Menon i/b. MZM Legal, advocates for the petitioner.

Mr. S. K. Shinde, PP along with Mr. K. V. Saste, APP for the State.

Mr. Suhail Khan, advocate for respondent No.2.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATED : 20th JULY, 2015.

P.C.:

The writ petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No.420 of 2014 registered with Pydhonie Police Station, at the instance of respondent No.2, for the offences punishable under Sections 465, 467, 468, 471 and 420 of Indian Penal Code, 1860 read with Section 104(1)(4) of the Multi-State Co-operative Societies Act, 2002.

2. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent. The said FIR was filed at the instance of respondent No.2- Mr. Yusuf Ismail Chatrisa, on behalf of Bombay Mercantile Co-operative Bank. The

parties settled their dispute during the lifetime of respondent No.2 and consent terms dated 25th February, 2015, arrived at between them are annexed at page 66 of the petition. Respondent No.2 thereafter expired on 27th March, 2015. Death certificate to that effect is produced on record. The said Bombay Mercantile Co-operative Bank thereafter appointed one Vahid Ali Kazi as Deputy Chief Officer Law to file an affidavit for giving no objection for quashing and setting-aside the subject FIR. Mr. Vahid Ali Kazi thereafter filed an affidavit dated 20th July, 2015. In paragraph 5, he has given no objection for quashing the subject FIR. Mr.Vahid Ali Kazi is present before the Court. On being questioned, he specifically stated that whatever has been stated in the affidavit is true and correct and he has no objection for quashing the subject FIR.

3. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 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. In that view of the matter and in the interests of justice, the FIR is required to be quashed. 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.

4. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the petitioner. The petitioner shall deposit the costs with Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

5. Subject to above, the criminal writ petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)