

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 243 OF 2015

Ubaid Mohd. Siddique Khan
and Others.

..Applicants.

Versus

Hasnaat Mohammed Iqbal Ansari
and Another.

..Respondents.

Mr. S. R. Gaud for the Applicants.
Mr. M. D. Sapkale for Respondent No. 1.
Mrs. U. V. Kejriwal, learned APP for the State.

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

Date : **March 24, 2015.**

P. C. :

1. The application is under the provisions of section 482 of the Code of Criminal Procedure, 1973, seeking to quash C.R. No.105 2014 registered on 15th March 2014 with Nagpada Police Station against the Applicants at the instance of Respondent No. 1 for the offence punishable under section 354D and 509 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that due to the intervention of elderly persons, the disputes between the parties are settled and in terms of the

understanding arrived at between the parties, the Applicants have filed present application seeking to quash the above mentioned FIR, by consent of Respondent No.1.

3. Respondent No.1 has filed affidavit before this Court, wherein she has solemnly affirmed that she has no objection for allowing the application preferred by the Applicants for quashing the FIR filed by her against them with Nagapada Police Station. Respondent No.1 is personally present before the Court. On specific query made by us, she submitted that she has made the said 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 filed by her against the Applicants, being C.R.No. 105 of 2014 registered with Nagapada Police Station.

4. 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 personal in nature. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. 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 criminal proceedings.

6. In the backdrop of above, application is allowed in terms of prayer clause (b). In the given set of facts, we find it would be appropriate to saddle the Applicants with cost of Rs.5,000/- each [total Rs.15,000/-], which shall be paid to the **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. 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.

7. Police shall return the mobile handsets to the Applicants on their application.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]