

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1596 OF 2015

1. Javed Rafik Ansari;
2. Faizan Sudhan Ansari;
3. Imran Subhan Ahmed Ansari;
4. Mr.Vikas Shyamsundar Choubey;
5. Mr.Subham Premshankar Mishra @ Baba. ..Petitioners.

Versus

1. The State of Maharashtra
2. Yaser Ayub Badguzar ..Respondents

Ms. Sartaj Shaikh, Advocate for Petitioners.
Mrs. S.V.Sonavane, APP for Respondent no.1- State.
Ms. Munira Palanpurwala, Advocate for Respondent no.2.

**Coram : RANJIT MORE &
R.G.KETKAR, JJ.**

Date : 30TH SEPT, 2015.

P. C. :

- 1.** Counsel for the petitioners, at the outset, seeks leave to delete the name of petitioner no.4. Leave granted. Necessary amendment shall be carried out forthwith.
- 2.** Heard learned counsel and learned APP appearing for the respective parties.
- 3.** This Petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR, bearing C.R.No. I-80/2015 registered with Tulinj Police Station, at Palghar at the instance of respondent No.2, for the offences punishable under Sections 341,

365, 324, 323, 506, 143, 147, 427, 148, 149 of the Indian Penal Code, 1860.

4. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing and setting aside the subject FIR, by consent. Respondent No.2 has filed an affidavit dated 16.4.2015. In paragraph 8, he has stated that he has no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab** **[2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings of the subject FIR pending except burdening the Criminal Courts which are already overburdened. 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.

6. The Writ Petition is accordingly allowed in terms of prayer clause (a), qua the petitioners, subject to payment of costs of Rs.10,000/- by the petitioners. The petitioners shall deposit the costs with Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court.

7. It is made clear that the investigation into the said FIR shall be continued and appropriate action shall be taken by the concerned police station as against petitioner no.4-Vikas Shaymsunder Choubey.

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

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.