

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1597 OF 2015

1. Jalil Azam Khan;
2. Salman Hanifali Khan;
3. Mr. Imran Khan Hanif Khan;
4. Mohammed Kutub Ahmed Khan. ..Petitioners.

Versus

1. The State of Maharashtra
2. Imran Subhan Ansari ..Respondents

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

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

Date : 30.09. 2015.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. 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 the FIR, bearing C.R.No. I-53/2015 registered with Tulinj Police Station, Pune, at the instance of respondent No.2, for the offences punishable under Sections 392, 504 read with 34 of the Indian Penal Code, 1860.
3. 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 the subject

FIR, by consent. Respondent No.2 has filed an affidavit dated 16.4.2015. In paragraph 9, he has stated that he has no objection for quashing and setting-aside the subject FIR against the petitioners. 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.

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 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 proceedings of 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.

5. Accordingly, the Writ Petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs.10000/- to Tata Memorial Cancer Hospital 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.

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

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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