

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 2033 OF 2015

Asif Iqbal Gandhi & Others.

... Petitioners.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Ms. T. R. Shetty, Advocate for the Petitioners.

Mr. K. V. Saste, APP for Respondent No.1-State.

Mr. M. R. Choudhary, Respondent No.2 in person present.

CORAM : RANJIT MORE & A.V.NIRGUDE,JJ.

DATED : 26th NOVEMBER, 2015.

P.C. :

1 Heard the learned counsel appearing for the petitioners and the learned APP for the State. Respondent No. 2 is present in person.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of section 482 of the Criminal Procedure Code, 1973, for quashing and setting aside the FIR, bearing FIR No. 182 of 2015 registered with the Dharavi Police Station, Mumbai at the instance of Respondent No. 2 for the offences punishable under Sections 363, 342, 392, 323 read with section 34 of the Indian Penal Code.

3 Pending investigation of the subject FIR, the parties settled their dispute amicably and have approached this court for quashing the said FIR. Respondent No.2 has filed an affidavit dated 7th September, 2015. In para 5, it is stated that the dispute among the parties to the petition has been settled amicably and, therefore, it would be futile to continue with the criminal prosecution. Respondent No.2 has given no objection for quashing the subject FIR. Respondent No.2 is personally present in 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.

4 It can, thus, be seen that the matter has been amicably settled between the parties. From 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 criminal proceedings 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. 10,000/- by the petitioners to the Kirtikar Law Library, High Court Bombay. The petitioners shall pay the said costs and produce the receipt thereof on the file of this court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the court.

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

(A.V.NIRGUDE,J.)

(RANJIT MORE,J.)

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