

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3426 OF 2015

Abdul Razak Ibrahim and another	... Petitioners
Vs.	
State of Maharashtra and another	... Respondents

Mr. S. C. Singh for Petitioners.
Mrs. M. M. Deshmukh, APP for Respondent No.1-State.
Mr. H. G. Bhambhani for Respondent No.2.

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

DATE : 09th SEPTEMBER, 2015.

PC:

Heard Mr. Singh, learned Counsel for petitioners, Mrs. Deshmukh, learned APP for respondent No.1-State and Mr. Bhambhani, learned Counsel for respondent No.2.

2. The Petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the FIR bearing C.R.No.563 of 2014 registered with Paydhuni Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 420, 452, 465, 467, 468, 471 read with Section 34 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, have approached this Court for quashing and setting aside the subject F.I.R. by consent. Respondent No.2 has filed an affidavit dated 09.09.2015. In paragraph 4, he has given no objection to quash the subject F.I.R. Respondent No.2 is personally present before the Court. He confirms the contents of the affidavit. On specific query, he states that he has no objection if the subject F.I.R. is quashed and set aside.

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 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 Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic

purposes. The petitioners shall pay the said costs 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 Petition is disposed of.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

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