

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3600 OF 2015**

Aamir Siddiq Merchant

Petitioner.

Vs

The State of Maharashtra and
Anr.

Respondents

Mr.Aabad Ponda i/b Ashish R Raghuvanshi, Advocate for
Petitioner.

Mrs. S.V.Sonavane, A.P.P. for Respondent no.1-State.

Mr. Milan A Hebballi, Advocate for Respondent no.2.

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

DATE : 22nd SEPTEMBER, 2015.

PC:

1. Heard learned counsel appearing for the respective parties.
2. The writ petition is filed invoking the provisions of Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the FIR bearing C.R.No.79/2015 registered with Bandra Police Station, Mumbai against the petitioner at the instance of respondent No.2, for offences punishable under Sections 326 and 504 of the Indian Penal Code, 1860.
3. Pending investigation, the parties settled their dispute amicably and pursuant to understanding arrived at between them, have approached this Court for quashing the subject FIR by consent. Respondent no.2 has filed an affidavit dated 10.9.2015. In paragraph 4, he has given no objection for quashing and setting aside the

subject F.I.R against the petitioner. Respondent no.2 who is personally present in Court, confirms the contents of the affidavit and stated that whatever has been stated in the affidavit is true and correct, and on our specific query he states that he has no objection if the subject FIR is quashed and set aside the petitioner.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and Ors. versus State of Punjab and Anr. 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. In that view of the matter and in the interests of justice, the subject FIR is required to be quashed and set aside. 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, Petition is allowed in terms of prayer clause (a). FIR bearing C.R.No.79 of 2015 of Bandra Police Station is quashed and set-aside qua the petitioner subject to payment of costs of Rs.10000/- by the petitioner. The petitioner shall deposit the costs with Tata Memorial Hospital for the use of its philanthropic purposes

and thereafter produce the receipt thereof on the file of this petition within a period of two 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.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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