

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 952 OF 2015**

1.Mohammed Narulla
Mohammed Abdulla Khan

Applicant.

Vs

1.The State of Maharashtra,
2.Sayed Afzal Hussain Sayed
Iqbal.

.. Respondents

Mr. Abdul B.Ansari, Advocate for Applicant.
Mr. J.P.Yagnik, Advocate for Respondent no.1.
Respondent no.2 present. In-person.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 09th OCTOBER, 2015.**

PC:

1. Heard learned counsel for the applicant, respondent no.2 in-person and learned APP for the State.
2. The Application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R. No.86 of 2012 registered with Pydhoni Police Station, Mumbai at the instance of respondent No.2, for the offences punishable under Section 394 of the Indian Penal Code, 1860.
3. Pending investigation, the parties settled their dispute amicably and pursuant to understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent. Respondent no.2 has filed an affidavit dated 3.09.2015. In paragraph 3, he stated that there was

misunderstanding between him and the applicant which is now resolved by them and thus he no longer wishes to prosecute the applicant in the criminal case against the applicant. . 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 against the applicant.

4. It can, thus, be seen that the dispute was personal in nature, which has now been settled amicably. From perusal of the complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the case. 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 proceedings of subject FIR 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, Application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the applicant. The applicant shall deposit the costs of Rs.10000/- with Kirtikar Law Library and thereafter produce the receipt thereof on the file of this petition within a period of two weeks from today, failing which, the Criminal Application shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the criminal Application stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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