

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3667 OF 2015

Rakesh Shyam Gangurde and ors.

..Petitioners

Versus

Taufiq Nizam Sheikh and anr.

..Respondents

Mr. Amit Munde, advocate for the petitioners.

Mr. Raj Pardikar, advocate for respondent No.1.

Mr. K. V. Saste, APP for the State.

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

DATE : 22nd SEPTEMBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the
respective parties.

2. The petition is filed under 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.229 of 2015 registered with Agripada Police Station, at the instance of respondent No.1, for the offences punishable under Sections 387, 324, 323, 452, 504 read with Section 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, have approached this Court for quashing the subject FIR by consent. Respondent No.1-original complainant as well as Mr.Nadeem Shaikh, the injured witness have filed separate affidavits, wherein they have stated that they have no objection for quashing and setting-aside the subject FIR. Both of them are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if the subject FIR is quashed and set-aside. They also stated that they are giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

3. 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.

4. Accordingly, the the petition is allowed in terms of prayer clause (i) subject to payment of costs of Rs.10000/- by the petitioners to the **"Kirtikar Law Library"**. 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.

5. 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
Judgment/Order.