

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3833 OF 2015

Munjabil Kudubuddin Shaikh & Ors.

..Petitioners.

Versus

State of Maharashtra & Anr.

..Respondents.

Mr. A.V.Nikam, advocate for petitioners.

Mrs. M.M.Deshmukh, APP for the State.

Mr. C.S.Damre, advocate for respondent no.2.

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

Date : **23rd September, 2015.**

P. C. :

Not on Board. Mentioned for urgent production.

Production granted in view of urgency.

Heard.

2 This 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 to quash and set aside the F.I.R. bearing C.R.No.233 of 2015 registered with Tardeo Police Station at the instance of respondent no.2 for the offence punishable under Sections 354, 452, 323, 427, 504 read with Section 34 of the Indian Penal Code, 1860 and under Sections 8 and 12 of the Protection of

Children From Sexual Offences Act, 2012.

3 Pending investigation, parties settled their disputes amicably and have approached this Court for quashing the subject F.I.R. by consent. Respondent no.2 has filed affidavit dated 23.9.2015. In paragraph 4 of it, she has given 'no objection' to quash and set aside the subject F.I.R. Respondent no.2 is personally present in this Court. On being questioned, she specifically stated that she 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. She also stated that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

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 (b) subject to payment of costs of Rs.20000/- by the petitioners to the **“Tata Memorial Hospital”** an institution that takes care of the advanced and terminally ill cancer patients. 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 the date of receipt of this order, 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.

7 It is reported that petitioner no.2 is arrested and is in judicial custody in respect of the subject F.I.R. Since the subject F.I.R. is quashed and set aside, petitioner no.2 is directed to be

released forthwith if not required in any other offence.

Parties to act upon an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

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