

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3918 OF 2015**

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| 1. Mr.Furkan Moin Qureshi;
2. Mrs.Rukshar Furkan qureshi;
3. Mr.Chhotu Jogindar Rai | Petitioners. |
| Vs | |
| 1. The State of Maharashtra;
2. Mohd.Hilal Raees Qureshi | .. Respondents |

Mr. S.S.Halwasia, Mrs S.S.Halwasia i/b M/s Halwasia & Co,
Advocates for the petitioners.

Mrs. M.H.Mhatre, A.P.P for Respondent no.1-State.

Mr H.S.Ansari, Advocate for Respondent no.2.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 19th OCTOBER, 2015.**

PC:

1. Counsel for the petitioners, at the outset, makes a statement that he is restricting this petition towards the relief of quashing F.I.R., bearing C.R.No.88 of 2015, only registered with Cuffe Parade Police Station against the petitioners for offences punishable under sections 327,452,386,504, 506(II) read with Section 34 of the Indian Penal Code, 1860. Statement is accepted as an undertaking to this Court. The petitioners are at liberty to file separate petition for quashing F.I.R. bearing C.R.No.112 of 2015 registered with Cuffe parade Police Station against the petitioners for the offences punishable under section 363,506(II) read with Section 34 of the Indian Penal Code, 1860.
2. Heard learned counsel and learned A.P.P appearing for the respective parties.

3. This 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 F.I.R, bearing C.R.No.88/2015 registered with Cuffe Parade Police Station against the petitioners at the instance of respondent No.2 for offences punishable under Sections 327,452,386,504, 506 (II) read with Section 34 of the Indian Penal Code, 1860.

4. Pending investigation, the parties settled their dispute amicably and pursuant to the understanding arrived at between them, have approached this Court for quashing and setting aside the subject FIR by consent. Respondent no.2 has filed an affidavit dated 21.09.2015. In paragraph 3, he has stated that the dispute is of civil nature and it is already settled between the parties and he has no objection for quashing the subject FIR. In paragraph 5, he has given no objection for allowing the petition. 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 FIR is quashed and set aside against the petitioners.

5. It can, thus, be seen that the dispute is of civil nature nature, which has now been settled amicably. From perusal of the complaint, it transpires that the allegations are 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 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 bearing C.R.No.88 of 2015 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.

6. Accordingly, Petition is allowed in terms of prayer clause (i) in so far as F.I.R. bearing C.R.No.88 OF 2015 is concerned. F.I.R. No.88 of 2015 registered with Cuffe Parade Police Station against the petitioners for the offences punishable under sections 327, 452,386,504,506(II) read with section 34 of Indian Penal Code is quashed and set aside, subject to payment of costs of Rs.5,000/- by the petitioners to the "Kirtikar Law Library". The applicant 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.

7. Subject to above, the criminal writ petition stands disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)