

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1084 OF 2015**

1.Mr. Mudassir Hussain Malik s/o Kamal Malik;
2.Mr Iltija Husain;

Applicants.

Vs

1.The State of Maharashtra,
2.Mr. Firdos Ahmed Abdul Razzak Shaikh.

.. Respondents

Mr. Ranvir Shekhawat i/b Raj Legal, Advocates for Applicants.
Mr. K.V.Saste, Advocate for Respondent no.1.
Mrs. Shaweta Singh, A.P.P. for Respondent no.2.

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

PC:

1. Heard learned counsel and learned APP appearing for the respective parties.
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.442 of 2015 registered with Bhandup Police Station, Thane at the instance of respondent No.2, for the offences punishable under Sections 406,419,420,465 read with 34 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 and setting aside the proceedings of subject FIR by consent. Respondent no.2 has

filed an affidavit dated 9.10.2015. 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 against the petitioner.

4. It can, thus, be seen that the dispute was totally personal in 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 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.5000/- by the applicant. The applicants shall deposit the costs of Rs.5000/- 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.