

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4264 OF 2015

1. Javed Majid Lulania
2. Zakir Hussain Junani
3. Sayyed Mobin Khan
4. Ijaz Indrish Sheikh

... Petitioners

Vs.

State of Maharashtra and others

... Respondents

Mr. S. V. Marwadi for Petitioners.
Mr. K. V. Saste, APP for Respondents-State.
Ms Mallika A. Ingale for Respondent No.2.

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

DATE : 23RD OCTOBER, 2015.

P.C.:

Heard Mr. Marwadi, learned Counsel for petitioners, Mr. Saste, learned APP for respondents-State and Ms Ingale, learned Counsel for respondent No.2.

2. The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing and setting aside the FIR bearing C.R. No.I-141 of 2015 registered with Manor Police Station, Palghar. The said FIR was

registered against the petitioners at the instance of respondent No.2 for the offences punishable under Sections 395, 341, 324, 323 and 506 of the Indian Penal Code, 1860 (for short “the IPC”).

3. Pending investigation, parties settled their disputes amicably and have approached this Court for quashing the subject F.I.R. by consent. Respondents No.2, 3 and 4 have filed separate affidavits and given no objection to quash the subject FIR. They are personally present before the Court. On specific query, they stated that the contents of the affidavits have been explained to them and that they have no objection to quash the subject F.I.R. As far as the offence under Section 395 I.P.C. is concerned, respondent No.2 submitted that by mistake, he has stated before the police that one of the petitioners has taken an amount of Rs.5,000/- from his pocket. He further states that at later stage, the said amount was found in the truck itself.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of the law laid down by the Apex Court in the case of *Narinder Singh and others vs. State of Punjab and another*, **2014 AIR (SCW) 2065**, we are of the view 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

criminal proceedings are required to be quashed. 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 FIR bearing C.R. No.I-141 of 2015 registered with Manor Police Station, Palghar is quashed and set-aside subject to payment of costs of Rs.50,000/- by each of the petitioners. The petitioners shall deposit the costs with **Central Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060** and thereafter produce the receipt thereof on the file of this Petition within a period of fifteen days from today, failing which, the Petition shall stand dismissed automatically without further reference to the Court.

6. It is reported that in pursuance of the subject FIR, petitioner No.4 was arrested and at present, he is in judicial custody. Since the subject FIR is quashed, we direct that the petitioner No.4 - Ijaz Indrishi Sheikh be released forthwith, if not required in any other case. Subject to above, the Criminal Writ Petition stands disposed of.

7. All the concerned to act on the authenticated copy of this order.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]