

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4951 OF 2014

Mohammad Hakif Khan & Ors. ..Petitioners

v/s.

The State of Maharashtra & Anr ..Respondents

**WITH
CRIMINAL WRIT PETITION NO. 4859 OF 2014**

Abhay Nagendra Singh & Ors. ..Petitioners

v/s.

Hakif Khan & Anr. ..Respondents

Mr. Vishal M. Deshmukh for the Petitioner in WP 4951-14 and for the Respondent no.2 in WP 4859-14.

Mr.Vinayak V. Katti for the Petitioner in WP 4859-14 and for the Respondent No.2 in WP 4951-14

Mr.J.P.Yagnik, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 21, 2015.**

P.C.

1. Heard. Criminal Writ Petition No.4951 of 2014 is filed for quashing and setting aside FIR being C.R.No.270 of 2014 registered

with Oshiwara Police Station by Abhay Nagendra Singh. Criminal Writ Petition No.4859 of 2014 is filed for quashing and setting side the FIR being No.269 of 2014 registered by Oshiwara Police Station at the instance of Hakif Khan.

2. Both the FIR arise out of the common incident dated 27.07.2014 and cross cases are filed against each other for the offence punishable under Section 326, 504 r/w. 34 of the Indian Penal Code.

3. The parties have now settled their disputes amicably and have agreed to quash the said FIRs by consent. Common affidavit dated 21.1.2015 is filed by both the complainants in above referred FIR, namely Abhay Singh and Hakif Khan. In para 5 and 6 of the affidavit both the complainants have given no objection for quashing the respective FIRs.

4. Both the complainants are present before the court, on specific query they state that they have no objection for quashing the above referred FIRs and they have filed the affidavit on their free will without there being any pressure or undue influence.

5. It can thus be seen that the matter has been amicably settled

between the parties. We find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of *Narinder Singh v/s. State of Punjab*[2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings

7. According the petitions are allowed in terms of prayer clause (a).

8. As a condition precedent for this order to take effect, the petitioners shall pay costs of Rs.10000/- each (Rupees Ten Thousand Only each) to the Tata Memorial Cancer Hospital, Mumbai and produce a copy of the receipt on the file of this petition within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)