

Galib Chaos S/o. Mohd. Sha Alam Chaos and ors. ..Petitioners
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Moin Khan, advocate for the petitioners.
Mr. J. P. Yagnik, learned APP for the State.
Ms. Shiva Kanchy i/b. Ms.Priyanka Ghosh, advocate for respondent No.2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 22nd DECEMBER, 2015.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the FIR bearing C.R.No.210 of 2014 registered with Wadala Police Station, at the instance of respondent No.2, for the offences punishable under Sections 354, 427, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 16th December, 2015. In paragraph 6, she has stated that she has no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the 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 against all the co-accused including the petitioners. 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 subject FIR is quashed and set-aside against all the co-accused including the petitioners, subject to payment of costs of Rs.5000/- by the petitioners to **“Kirtikar Law Library”**. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, 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.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]