

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 151 OF 2016

Taufiq Ismail Shaikh and ors.	..Applicants
Versus	
State of Maharashtra and anr.	..Respondents

Mr. S. V. Marwadi, advocate for the applicants.
Mr. K. V. Saste, APP for the State.
Ms. M. A. Ingale, advocate for respondent No.2.

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

DATE : 9th FEBRUARY, 2016.

P. C. :

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

2. The criminal application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing the FIR bearing C.R.No.33 of 2016 registered with Sadar Bazar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 368, 324, 143, 147, 148 and 506(II) of the Indian Penal Code, 1860 read with Section 135 of the Bombay Police Act, 1951.

3. Pending investigation, the parties to the application settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant application for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 9th February, 2016. In paragraph 4, he has given his no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed. He also stated that he 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 application is allowed in terms of prayer clause (i) subject to payment of costs of Rs.30,000/- by the applicants (Rs.10,000/- by each of the applicant) to the **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The applicants shall pay the said costs and produce the receipts thereof on the file of this Court within a period of four 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.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]