

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 667 OF 2016**

Mohammed Shabbir Halai

..Petitioner

Versus

State of Maharashtra & Ors.

..Respondents

Ms. Vidhya N. Sheth a/w Mr. M.A. Vaid i/by Vaid Associates for the petitioner.

Mr. K.R. Iyer for respondent nos. 2 to 4.

Mrs. U.V. Kejriwal, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 24th FEBRUARY, 2016.**

P. C. :

1. Heard learned counsel for the respective parties and learned A.P.P. for the State.

2. The complainant himself has approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution read with section 482 of the Code of Criminal Procedure for quashing the F.I.R. bearing No. 56 of 2016 registered with Ghatkopar Police Station against respondent nos.2 to 4 at the instance of petitioner for the offences punishable under Section 364A, 382 read with Section 34 of the Indian Penal Code. The petition is affirmed by the petitioner. He is also personally present in the Court. He submits that he himself and

respondent nos. 2 to 4 were business partners. The dispute between them is amicably settled and therefore, he has no grievance against them. He stated that the said FIR may be quashed. Respondent nos. 2 to 4 have also filed separate affidavits. They have stated in Para 2 that they have no grievance against the Investigating Officer and/or other police officer in future in respect of the same if the FIR is quashed by this Hon'ble Court. They have also undertaken not to raise any claim against the Investigating Officer and/or other police officers in future if the said FIR is quashed by this Court. Respondent nos.2 to 4 are present before this Court. They have confirmed the statements made in the affidavits. On being questioned, petitioner specifically stated that has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. 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. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the subject F.I.R. is required to be quashed. However, at the same time, cost needs to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

4. Accordingly, the petition is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.1,00,000/- to be paid by the petitioner and respondent nos. 2 to 4 equally to the Police Welfare Fund, to be deposited 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 four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

Subject to the above, the petition stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]