

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.194 OF 2016

Mr. Imran Bashir Shaikh and anr. ..Applicants
Versus
The State of Maharashtra and anr. ..Respondents

Mr. Irfan Shaikh, Advocate for the applicant.
Mr. K. V. Saste, APP for the State.
Mr. F. J. Sebastian Caitan, advocate for respondent No.2.

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

DATE : 25th 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 proceedings of FIR bearing C.R.No. 26 of 2016 registered with Dongri Police Station, at the instance of respondent No.2, for the offences punishable under Sections 448, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled their dispute amicably and, accordingly, consent terms are arrived at between them. A copy of the consent terms is annexed at page 15. In

the consent terms, the applicants agreed to pay to the complainant an amount of Rs.6,25,000/-. Out of the said amount, an amount of Rs.4,00,000/- has already been paid. The balance amount of Rs.2,25,000/- is paid to respondent No.2 today. Respondent No.2 acknowledges the receipt of the same. Thus, in pursuance of the consent terms and an understanding arrived at between them, they have filed the instant application for quashing the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 18th February, 2016. In paragraph 5, she has given her no objection for quashing 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. 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 application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the applicants to **“Naam Foundation ”** an NGO whose mission is to build sustainable & progressive society by facilitating development in rural areas by working on different issues like infrastructure, education, employment , food & so on. The applicants 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 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.]