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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 231 OF 2016

Sayyed Gafar Wajid and Others ..Applicants

Versus

Mr. Farid Mubarak Shaikh and anr. ..Respondents

Mr. Anup A. Lahoti for the applicants.
Mr. V.V. Tarepatil for respondent nos. 1 and 2.
Mr. K.V. Saste, APP for the State.

CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 02 MARCH, 2016.

P. C. :

1. Not on Board. Mentioned for urgent production.
Production granted in view of urgency.
2. Heard learned counsel for the respective parties and
learned A.P.P. for the State.
3. This application is filed under the provisions of Section 482
of the Code of Criminal Procedure, 1973 for quashing the F.I.R.
bearing C.R. No. 792 of 2015 registered with D.N. Nagar police
station, Mumbai, at the instance of respondent No.1 against the
applicants for the offences punishable under Section 324, 323, 504
read with Section 34 of the Indian Penal Code.
4. Pending investigation, the parties amicably settled their
dispute and have approached this Court for quashing the subject F.I.R.

by consent. Respondent No.1 and 2 i.e. the complainant and the aggrieved person has filed separate affidavits both dated 2nd March, 2016. In paragraph 9, they have stated that they have no objection if the subject F.I.R. is quashed. Respondent No.1 and 2 are personally present before the Court. They are identified by their Advocate. On being questioned, respondent No.1 and 2 specifically stated that they have gone through the affidavits and have fully understood the contents thereof and have no objection if the subject F.I.R. is quashed. They also stated that they are giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

5. 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.

6. Accordingly, the application is made absolute in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- to be deposited by the applicants with Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The applicants shall pay the said cost 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.

7. Subject to the above, the criminal application stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]