

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.462 OF 2016

Abdul Rehman Ansari	 Applicant
versus	
Shehjad Behjad Shaikh & Ors.	... Respondents
.....	

- Mr.Sharif Shaikh i/. Mateen Shaikh, Advocate for the Applicant.
- Ms.S.D. Shinde, APP for the State/Respondents.
- Mr.Arshad Shaikh, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
A. S. GADKARI, JJ.**
DATE : 28th JULY, 2017.

P.C. :

1. Heard the learned counsel for the applicant, respondent Nos.1 & 4 and learned APP.
2. The application is filed under section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing C.R.No.68/16, registered with BKC Police Station, Mumbai. The said FIR is registered against the applicant at the instance of respondent No.1 for the offences punishable u/s 279 and 338 of the Indian Penal Code.

3. Pending investigation, the parties to the application have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the FIR by consent. The respondent No.1 has filed an affidavit dated 15/04/2016. In paragraph Nos.10 and 11, he has stated that he has no objection for quashing and setting aside the subject FIR.
4. The respondent No.4 is the wife of respondent No.1. She is the victim of the incident in question. She is also present before this 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 and set aside. 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.
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. 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 FIR 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.

6. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- by the applicants to the “**Kirtikar Law Library**”. The applicant 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.
7. Subject to above, the criminal application stands disposed off.

(A. S. GADKARI, J.)

(RANJIT MORE, J.)