

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.778 OF 2017

Mr. Shahid Mustafa S/o. Ahmad MustafaApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Ms. Rebecca Dias i/by Mah. Legal Asso.,advocate for Applicant.
Mr. K.V.Saste, Addl. PP for the Respondent-State.
Mr. R.J.Sawant, advocate for Respondent No.2.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 10TH AUGUST, 2017.

PC. :-

By the above Criminal Application, the Applicant seeks quashing and setting aside of the FIR No.296 of 2015 registered with the Santacruz Police Station for the offences punishable under Sections 465, 467, 468, 471 and 420 of the IPC. The said complaint is a cross complaint filed by the Respondent no.2 as the applicant had filed the FIR No.29 of 2013 which was registered with the EOW, GB CB CID, Mumbai and out of which proceedings being C.C.No.696/PW/2014 have arisen. By an order passed today in the companion Criminal Application being No.784 of 2017, the said

proceeding has been set aside. The parties have mutually resolved their dispute in respect of which they have executed 'Consent Terms' which are annexed at Exhibit 'B' Page 15 to the above application. In so far as the respondent no.2 is concerned. 'Consent Terms' have been notarised before the Notary Public Mr. S.K.Shetty and has been entered in the notarial register at Sr.No.3105 dated 17.7.2017. Respondent No.2, i.e., the first informant has also filed his affidavit dated 7.8.2017 which is also sworn before the Notary Public Mrs. Aliya N. Pathan on 7.8.2017 and bears Notarial Register No.26037. In the context of the present application, paragraphs 4 and 8 are material and reproduced hereinunder:

“4) I say that I have amicably settled the matter with the Applicant and the said FIR was registered by me because of lack of communications and misunderstanding which has been sorted out amicably by me and the Applicant and hence I have no grievance against the present Applicant.

8) I say that I hereby agree that the above Criminal Application u/sec 482 No.778 of 2016 be disposed of in view of amicable settlement arrived at between myself and the Applicant and that this Hon'ble Court be pleased to quash the Criminal proceedings in F.I.R.No.296 of 2015 registered with Santacruz Police Station for offence under sections 465, 467, 468,

471, 420 of Indian Penal Code pending against applicant.”

A reading of the said affidavit, therefore, discloses that the parties have amicably resolved their dispute.

2 In terms of the law laid down by the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303 would also lead to the same conclusion. No useful purpose would therefore be served by keeping the proceedings pending. The above criminal application is accordingly allowed and made absolute in terms of prayer clause (a). The above criminal application is accordingly disposed of.

3 Since the machinery of this Court has been used to settle the disputes, the applicant to pay cost of Rs.10,000/- to the Maharashtra Legal Services Authority within six weeks from date.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)

