

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.792 OF 2017

Farheen Jahur Mansoori and Anr.Applicants
V/s.
Ayan Viqar Khan and Ors.Respondents

Mr. Wasim Ansari, Advocate for Applicants.
Mr. A.N.Pathan, Advocate for R.Nos.1 and 2.
Mr. V.B.Konde-Deshmukh, APP for the State.

**WITH
CRIMINAL APPLICATION NO.793 OF 2017**

Ayan Viqar Khan & Anr. ...Applicants.
V/s.
Farheen Jahur Mansoori and Ors. ...Respondents.

Mr. A.N.Pathan, Advocate for Applicants.
Mr. Wasim Ansari, Advocate for Respondent Nos.1 and 2.
Mr. V.B.Konde-Deshmukh, APP for the State.

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

DATE :- 24TH AUGUST, 2017.

PC. :-

The above Criminal Applications have been filed for quashing and setting aside the C.R.Nos.202 of 2017 and 206 of 2017 registered with Khar Police Station, Mumbai for the offences

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punishable under Sections 354, 323, 324, 326 504 read with Section 34 of the IPC. The aforesaid CRs are cross complaints filed by the parties who are arrayed as the Applicants and the Respondents in the above Criminal Applications. The FIRs have been registered on account of the incident which took place on 24.5.2017 outside Rizvi College, Bandra. Parties to the above Criminal Applications are students and most of them are studying in the said Rizvi College. They have attributed lodging of the FIRs to the misunderstanding between them and as an heat of the movement action. Parties have settled the matter and 'Consent Terms' have been filed between them which have annexed to the above Criminal Applications at Exhibit 'B'. In the context of the reliefs sought in the above Criminal Applications, clauses b(i) and b(ii) of the Consent Terms are material and are re-produced hereunder:

“(b)(i) That the Applicants do not wish to pursue the FIR dated 24.5.2017 bearing C.R.No.202 of 2017 filed against the Respondent Nos.1 and 2 registered with Khar Police Station.

(ii) Similarly the Respondent Nos.1 and 2 do not want to pursue the FIR dated 29.05.2017 (wrongly mentioned as 29.07.2017) bearing C.R.No.206 of 2017 filed against the Applicants registered with the Khar Police

Station.”

A reading of the said clauses, therefore, discloses that the parties have amicably resolved their disputes which in turn has resulted into the drawing up of the Consent Terms dated 27.7.2017. The Applicant No.1 Farheen Jahur Mansoori is personally present in the Court. She is identified by the learned counsel Mr. Wasim Ansari. She is identified by her Aadhar Card No.2636 7458 3880. When put in the box and queried, she states that she has signed the said Consent Terms and that the contents thereof are acceptable to her. She further states that she has signed the Consent Terms out of her own free will and volition. The Applicant No.2-Aakib Javed Shakeel Shaikh is also personally present in the Court. He is identified by the learned counsel Mr. Wasim Ansari. He is identified by his Aadhar Card No.7336 0303 7398. When put in the box and queried, he states that he has signed the said 'Consent Terms' and that the contents thereof are acceptable to him. The Applicant No.1 in the above Criminal Application No.793 of 2017, i.e., the first informant is personally present in the Court. He is identified by the learned counsel Mr. A.N.Pathan. He is also identified by his Adhar Card No.4588 2220 5803. When put in the box and queried, he states he

has signed the said Consent Terms and that the contents thereof are acceptable to him. The Applicant No.2- Aman Viqar Khan is personally present in the Court. He is identified by the learned counsel Mr. A.N.Pathan. He is also identified by his Adhar Card No.7757 3726 7443. When put in the box and queried, he states he has signed the said Consent Terms and that the contents thereof are acceptable to him.

2 In view of the 'Consent Terms' and in the light of the judgment of 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. Hence, the above Criminal Applications are allowed and made absolute in terms of prayer clause (a). The Applicants and the Respondent Nos.1 and 2 to deposit cost of Rs.10,000/- collectively for the Applicants and

Rs.10,000/- collectively for the Respondents with the National Association of Blind, Worli within six weeks from date and receipts to be filed in the registry of this Court thereafter.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)