

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1006 OF 2017

Darayas Sam Jijina
versus

Applicant

1. The State of Maharashtra
2. Dost Mohd. Salamat Ali Shah

Respondents

Mr.Arvind Singh Thakur i/by Global Juris Consults for applicant.
Mrs.VS.Mhaispurkar, APP, for State.
Mr.Akshay Pawar for respondent no.2.

CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATE : 12th October 2017

PC :

1. Leave to amend. Amendment to be carried out forthwith.
2. This is an application under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of first information report dated 23rd June 2017 registered at the instance of respondent no.2 with Azad Maidan Police Station, Mumbai vide CR No.181 of 2017 for offences punishable under Sections 279 and 388 of Indian Penal Code. The FIR is lodged at the instance of respondent no.2.
3. Pending the investigation, the parties have arrived at amicable settlement and the complainant do not wish to pursue the prosecution against the applicant. The parties have filed joint affidavit for quashing of subject FIR by consent dated 12th October 2017. In paragraph no.3 of the affidavit, it is stated that respondent no.2 has no grievances of whatsoever nature against the applicant and he has no objection if

criminal application is allowed. It is also stated that the FIR lodged by respondent no.2 against the applicant may be quashed.

4. It is thus noticed that parties have arrived at amicable settlement. The respondent no.2 who is present in the Court has confirmed the settlement and contents of the affidavit filed before this Court. In view of the decision of Hon'ble Supreme Court in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065], on account of amicable settlement between the parties of the dispute, which is purely of private nature and public at large is not involved, we are of the considered view that there is no impediment in quashing the subject FIR being CR No.181 of 2017 registered with Azad Maidan Police Station, Mumbai u/s.279, 338 of Indian Penal Code.

5. In view of above, the criminal application is allowed in terms of prayer clause (a), subject to payment of costs quantified at Rs.10,000/- to be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Applicant shall pay the said costs and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)