

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

WRIT PETITION NO.4482 OF 2017

Maqbool Yasin Shaikh

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

...

Mr. Akram Kapoor for the Petitioner.

Mr. F.R. Shaikh, APP for the Respondent No.1-State.

Mr. Yashpal Thakur for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 3rd NOVEMBER, 2017.

P.C.:-

Heard the learned counsels for the Petitioner and the Respondent No.2 and the learned APP for the Respondent No.1-State.

2. The Petition is filed for quashing and setting aside the FIR No.0140/2017 in C.R. No.-I-115 of 2017 registered at the instance of the Respondent No.2 at Dahanu Police Station for the offences punishable under Sections 452, 354, 323, 324, 427, 504 and 506 r/w. 34 of the IPC.

3. Pending investigation, the parties to the Petition settled

their dispute amicably and, in pursuance of an understanding arrived between them, filed the instant Petition for quashing the proceedings of the subject FIR by consent. Respondent No.2 has filed an affidavit dated 30th October, 2017. In paragraph 3, she has stated that she has no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she 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. She also states that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

4. 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 criminal proceedings 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.

5. Accordingly, the Petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.5000/- by the Petitioner to the “Kirtikar Law Library” The Petitioner 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.

6. Subject to above, the Writ Petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)