

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

WRIT PETITION NO.4483 OF 2017

Mr. Altaf Nasir Munshi & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

...

Mr. Yashpal Thakur for the Petitioners.

Mr. S.S. Pednekar, APP for the Respondent No.1-State.

Mr. Akram Kapoor for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 3rd NOVEMBER, 2017.

P.C.:-

Heard the learned counsels for the Petitioners 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.0139 of 2017 in C.R. No.-I-114 of 2017 registered at the instance of the Respondent No.2 at Dahanu Police Station for the offences punishable under Sections 452, 427, 354, 323, 324, 504, 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, he has stated that he has no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the 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 states that he 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 Petitioners to the “Kirtikar Law Library” The Petitioners 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 Writ Petition 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.)