

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4263 OF 2016

Mr. Yasin Usmangani SalyaPetitioner
versus
The State of Maharashtra and anr.Respondents

Mr. A. H. Ponda a/w. Mr. Parvez Memon, Mr. Zulfiquer Memon and Mr. Waseem Pangarkar i/b. MZM Legal, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.
Mr. Mubin Solkar, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 22nd JUNE, 2017.

P. C. :

Heard the learned counsel for the petitioner, learned counsel for respondent No.2 and learned APP.

2. The petition is filed for quashing the FIR bearing CR No.597 of 2016 registered with Santacruz Police Station at the instance of the respondent No.2 against the petitioner for the offences punishable under Section 420 of the Indian Penal Code, 1860.

3. Pending investigation, the parties settled their dispute amicably and, in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject FIR.

4. The respondent No.2 has filed an affidavit dated 6th December, 2016. In paragraph 4 thereof, he has given his no objection for quashing the subject FIR. The respondent No.2 is also personally present before the Court. On being queried, he specifically stated that he has gone through the contents of the petition and the affidavit as well and he has understood the same. He stated that the entire amount of Rs.50,00,000/- is received by him and, thereafter, he has repaid the amount of Rs.25,00,000/- to his friend. He also stated that since the dispute is settled amicably, he does not wish to proceed with the subject FIR and has no objection if the subject FIR is quashed and set-aside.

5. 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.

4. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25000/- by the petitioner to **"Shanti Avedna Sadan"** an institution that takes care of the advanced and terminally ill cancer patients. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court.

5. Subject to above, the criminal writ petition stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]