

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. 1121 OF 2018**

**Nawaz Ali Shan Ali Pacha**

**..Petitioner**

**Vs.**

**Azimushan Nizam Ahmed Shaikh & Ors**

**..Respondents**

**Mr. Yousuf Khan for the Petitioner**

**Mr. Mohammad Qais Shakil Ahmed for the Respondent No.1**

**Mrs.P P Shinde Addl PP for the Respondent State**

**CORAM :R. M. SAVANT, &  
SARANG V KOTWAL,JJ  
DATE : 20<sup>th</sup> APRIL, 2018**

**P.C.**

1           The above Petition has been filed for quashing of the FIR being No.60 of 2018 registered with the RAK Marg Police Station for the offences punishable under Section 392, 394 and 504 of the Indian Penal Code, 1860. The said FIR has arisen out of the incident which took place on 28-2-2018 between the parties. It is not necessary to dilate further on facts as the Respondent No.1 i.e. the first informant has filed an affidavit dated 12-3-2018 in the above Petition which has been affirmed on 14-4-2018 before the notary M. D. Yadav, Notary Government of India having his office at Room No.10, Durga Mandir, Shanti Nagar, Wadala (E) Mumbai. In the context of the relief sought in the above Petition paragraphs 4, 5 and 6 of the said Affidavit are material and are reproduced hereinunder:

4. I say that I have filed one Affidavit before the RAK Marg Police Station on 1<sup>st</sup> March 2018 along with covering letter of my Advocate

5. I say that on 5<sup>th</sup> March 2018 I appeared before H.H. Judge C. R. No.10 Bombay Session Court in ABA No.393/2018 and deposed that I have settled the dispute occurred between myself and accused above named and also confirmed the Affidavit filed by My Advocate before RAK Marg Police Station.

6. I say that I am deposing this present Affidavit also for the above contention and to produce the same before your lordship in support of quashing of FIR No.60/2018 which was registered against my will by the police.

2           The Respondent No.1 Azimushan Nizam Ahmed Shaikh is personally present in Court. He is identified by the Learned Counsel Mr. Mohammed Qais. He is also identified by his Adhar Card bearing No.731070647004. When put in the box and queried, he states that he has read the affidavit which is filed in the above Petition. He further states that he has understood the contents of the said Affidavit and that he has signed the said affidavit of his own free will and volition and he does not want to proceed with the case in question on account of the settlement between the parties.

3           The Petitioner No.1 Nawaz Ali Shan Ali Pacha is also personally present in Court. He is identified by the Learned Counsel Mr. Yousuf Khan. He is also identified by his Adhar Card bearing No.533676841482. When put in

the box and queried he accepts the factum of settlement between him and the Respondent No.1 as a consequence of which the Respondent No.1 does not desire to proceed with the FIR in question.

4 Having regard to the affidavit filed by the Respondent No.1, the statements made by the Respondent No.1 and the Petitioner when put in the box and queried, the same indicate that the parties have settled their dispute as a result of which the Respondent No.1 does not desire to proceed with the FIR in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr<sup>1</sup>** and **Narinder Singh & ors v/s. State of Punjab & Anr<sup>2</sup>**, there is no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioner and the Respondent No.1 to deposit costs of Rs.5,000/- each, totalling to Rs.10,000/- with the State Legal Aid Fund, within 6 weeks from date. Receipt to be obtained and filed in the registry.

**[SARANG V. KOTWAL, J]**

**[R.M.SAVANT, J]**

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1 (2012) 10 SCC 303

2 2014 AIR SCW 2065