

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

CRIMINAL APPLICATION NO.382 OF 2018

Mohd. Aslam Khan & Ors. Applicants
versus
The State of Maharashtra & Anr. ... Respondents
.....

- Mr.Sandeep Katke, Advocate for Applicants.
- Mr.A.M. Savagave, Advocate for the Respondent No.2.
- Mr.A.S. Patil, APP for the State/Respondent.

**WITH
CRIMINAL APPLICATION NO.387 OF 2018**

Nafis Altaf Khan & Ors. Applicants
versus
The State of Maharashtra & Anr. ... Respondents
.....

- Mr.A.M. Savagave, Advocate for Applicants.
- Mr.K.V. Saste, APP for the State/Respondent.
- Mr.Sandeep Katke, Advocate for Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 19th APRIL, 2018.**

P.C. :

1. The above Application has been filed for quashing of
the FIR being No.106/18 dated 07/03/2018 lodged with

Dharavi Police Station, Mumbai, for the offences punishable u/s 452, 504, 324, r/w 34 of the Indian Penal Code and FIR being No.108/18 registered on the same date i.e. 07/03/2018 with Dharavi Police Station, Mumbai, for the offences punishable u/s 326, 323, 504, 506 r/w 34 of the Indian Penal Code respectively. The said FIRs have arisen out of the misunderstanding during the course of the business relations, which the parties were having with each other in the matter of making leather bags in the factory, which belongs to one of the Applicants. The said FIRs are cross FIRs between the parties, who seem to be also closely related. It is not necessary to further dilate on facts in view of the fact that the First Informant in both the FIRs have filed their affidavits. In the context of the relief sought in the Application, paragraph Nos.4 and 5 of the affidavit of the First Informant i.e. Nafis Altaf Khan insofar as FIR No.106/18 is concerned is material and is reproduced hereinunder;

“4. That there is amicable settlement between

complainant and above accused. in the best interest of peace and harmony between the parties. As both the parties are neighbors and now serving good relations amongst each other. Hence matter is amicably settled between them.

5. *It is therefore, most respectfully prayed that this Hon'ble Court may exercise the power vested u/s 482 of Cr.P.C. for quashing of FIR and be pleased not to proceed further in the above matter under the offence settled by the complainant in the interest of justice.”*

2. The affidavit filed by Sajid Garibe Khan, insofar as FIR No.108/18 is concerned, is para-materia to the affidavit filed by Nafiz Altaf Khan. Resultantly paragraph Nos.4 and 5 of the affidavit are identical as in the affidavit filed by Nafiz Altaf Khan. Both the First Informants are personally present in Court. They are identified by the learned Counsel Mr.A.M. Savagave and Mr.Sandeep Katke, respectively. Nafiz Altaf Khan is also identified by his Aadhar Card bearing No.2763 0536 4723. When put in the box and queried he states that he has read over and explained the contents of the affidavit dated 21/03/2018,

which is tendered by the learned Counsel Mr.Savagave today. He further states that he has understood the contents of the said affidavit. He also states that the said affidavit has been filed out of his own free will and volition and that on account of the settlement he does not desire to proceed with the FIR in question.

3. The First Informant Sajid Garibe Khan is also personally present in Court. He is also identified by his Aadhar Card bearing No.9186 3706 1897. When put in the box and queried, he states likewise.

4. The Applicant No.1 Mohd. Aslam Khan in Application No.382/18 and the Applicant No.1 Nafis Altaf Khan in Application No.387/18, are also personally present in Court. Insofar as Nafis Altaf Khan is concerned, his statement has already been recorded. Mohd. Aslam Khan is identified by learned Counsel Mr.Sandeep Katke. He is also identified by his Aadhar Card No.7583 4486 4677. He reiterates that a

settlement has taken place between the parties, as a result of which the First Informants in both the FIRs do not desire to proceed with the FIR in question.

5. Having regard to the affidavits filed by the First Informants in both the FIRs, as also having regard to the statements made by them as well as the Applicants, when put in the box and queried, the same unequivocally indicate that the parties have settled their dispute, as a result of which, the First Informants do not desire to proceed with the FIRs in question.

6. We are also informed that the following victims are present in court.

1. Mohd. Aslam Khan
2. Mohd. Akram Khan
3. Mohd. Rafiq Khan
4. Mr.Asif Jabir Khan
5. Mr.Sajid Garibe Khan
6. Mohd. Nafis Khan
7. Firoz Nafis Khan
8. Yunus Yusuf Khan

7. The Applicant No.1 Mohd. Aslam Khan in Application No.382/18 is also a victim, who is personally present in Court and his statement is already recorded as hereinabove.
8. In view of the statement made by him, the victims having consented to the quashing of the FIR. We do not deem it necessary to record the statements of the other victims. The learned Counsel appearing on either side Mr.Katke and Mr.Savagave have identified the victims as being personally present in Court.
9. Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s. State of Punjab & Anr. Reported in (2012) 10 SCC 303 and Narinder Singh & Ors. V/s. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing the above Criminal Applications. No useful purpose would be served in keeping the proceedings pending.

10. In view of the aforesaid facts, the above Criminal Applications are required to be allowed and are accordingly allowed in terms of prayer clause (a). Both the two sets of Applicants to deposit costs of Rs.10,000/- i.e. totally Rs.20,000/- with the State Legal Aid Fund, within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)