

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

CRIMINAL WRIT PETITION NO.2316 OF 2018

Tabrez Tanjeer Shaikh and ors. : Petitioners.
Versus
State of Maharashtra and anr. : Respondents.

Mr.Nitin B Patil i/by Hulyalkar and Associates for the Petitioners.
Mr. R M Pethe APP for the Respondent/State.
Ms. Kausar Banatwala i/by Mr. Tushar A Goradia for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 15th JUNE 2018

P.C.

1 The quashing of the FIR being C.R.No.34 of 2018 registered with Gaondevi Police Station, Mumbai for the offences punishable under Sections 323, 324, 143, 147, 148, 149, 120B and 34 of the Indian Penal Code is sought by way of the above Writ Petition.

2 The said FIR is a fall out of the incident which allegedly took place on 10/02/2018 involving the parties. It is not necessary to dilate further on facts as the first informant i.e. the Respondent No.2 herein has filed an affidavit dated 15/06/2018 which is affirmed in this Court. The Respondent No.2 has been identified by Ms.Kausar Banatwala i/by Mr. Tushar Goradia advocate on record. In the context of the relief sought, paragraphs 3 and 5 of the said affidavit are material and are reproduced herein under :-

“3 I and the Petitioners had various discussions. On the intervention of known people, I and the Petitioners arrived at an amicable settlement and I do not have any grievance against the Petitioners, in connection with C.R. No.34 of 2018.

5 There is no grievance between me and the Petitioners. I am not desirous to proceed with the prosecution in connection with the FIR. As agreed between me and the Petitioners, the FIR is to be quashed and/or set aside. I am therefore, filing this present Consent Affidavit in the above Petition giving my consent to quash and/or set aside the FIR. This Affidavit is being filed by me of my own free will and consent without any force or coercion or under duress, pressure, and/or influence from any person of any nature whatsoever.”

3 The Respondent No.2 is personally present in Court. He is identified by the learned counsel Ms. Kausar Banatwala i/by Mr. Tushar Goradia the advocate on record. He is also identified by his Aadhar Card bearing No.244276236769. When put in the box and queried he states that he has read and understood the contents of the affidavit dated 15/06/2018. He further states that in view of the settlement between the parties, he is not desirous of proceeding with the FIR in question. He lastly states that he has filed the said affidavit of his own free will and volition.

4 The Petitioner No.1 is also personally present in Court. He is identified by the learned counsel Shri Nitin Patil. He is also identified by his Aadhar Card bearing No.7689 8996 8488. When put in the box and queried, he accepts the factum of settlement having taken place between the parties as

a result of which the Respondent No.2 is not desirous of proceeding with the FIR in question.

5 In view of the statements recorded of the Petitioner No.1 it is not necessary to record the statements of other Petitioners though they are also personally present in Court. However, they reiterate what has been stated by the Petitioner No.1.

6 In view of the affidavit filed by the Respondent No.2, the statement made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same lead to a conclusion that the parties have settled their dispute as a result of which the Respondent No.2 does not desire to proceed with the FIR in question.

7 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, no useful purpose would be served in keeping the proceedings pending.

8 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.

9 The Petitioners to deposit costs of Rs.500/- each totalling to Rs.3500/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]