

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3173 OF 2018

Fareed Sayyed.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. S. P. Chavan for the Petitioner.

Mr. Deepak Thakare, Public Prosecutor for the Respondent-State.

Mr. Pandit Kasar for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **October 19, 2018.**

P. C. :

1. Heard the learned counsel for Petitioner, the learned counsel for Respondent No.2 and the learned PP for Respondent-State. Petition is filed for quashing and setting aside the FIR bearing CR. No. 305 of 2018 registered with Sakinaka Police Station against the Petitioner and at the instance of Respondent No. 2 herein. The allegations against the Petitioner in the said FIR are with regard to the commission of offence punishable under sections 324, 427, 504 and 34 of the Indian Penal Code, 1860.

2. The learned counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and intervention of elderly persons and friends, parties have

settled their disputes amicably and pursuant to understanding arrived at between them, have approached this Court for quashing the above FIR with consent of Respondent No.2 as well as consent of aggrieved person.

3. Accordingly, Respondent No. 2 and said aggrieved person namely, Fahim Hasan Khan have filed their individual affidavits dated 9th October 2018 and 11th October 2018 respectively. In their affidavits, they have categorically stated that disputes interse between the Petitioner and them have been amicably settled. They have, therefore, accorded their consent / no objection for quashing the above FIR against the Petitioner.

4. Respondent No.2 and said Fahim are personally present before the Court. On specific query made by this Court, they submitted that they have made the said affidavits on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR against the Petitioner.

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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject. Accordingly, we allow the writ petition in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs10,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order

quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station that subject FIR shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioner in accordance with law.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]