

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3260 of 2018**

Mohd. Ashfaque Aas Mohd.Khan and ors.Petitioners
versus
Smt.Zubeda Kalaam Bux and anr.Respondents

Mr. Akram Kapoor, advocate for the petitioners.
Ms. Afshan Goghari, advocate for the respondent No.1.
Ms. Sangeeta D. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 18th SEPTEMBER, 2018.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing the FIR bearing CR No. 214 of 2018 registered by Kurla Police Station under sections 452, 354, 323, 504, and 506 (II) read with section 34 of the Indian Penal Code, 1860.

3. The complainant/respondent No.1 is the real sister of the petitioner No.1. The petitioner Nos.2 and 3 are the nephews of the petitioner No.1 as well as respondent No.1. In view of the relationship between the parties, pending investigation, they agreed to settle the dispute between them amicably and, compromised the same and, in

terms of the understanding arrived at between them, they approached this Court for quashing the subject FIR by consent. The respondent No.1 has, accordingly, filed an affidavit dated 3rd September, 2018. In paragraph 5, she has given her consent for quashing the subject FIR. The respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject FIR out of her own free will and without there being any pressure or coercion.

4. 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.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5000/- by the petitioners to Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court.

6. Subject to above, the writ petition stands disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]