

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 895 OF 2018**

Abdul Jabbar Abdul Sattar Khan and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. R. R. Paramane, advocate for the applicants.
Ms. Prajakta P. Shinde, APP for the State.
Mr. S. S. Kadtane I/b. Mr. Vaibhav Gaikwad, advocate for the respondent No.2.

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

DATE : 8th OCTOBER, 2018.

P. C. :

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

2. The application is filed for quashing and setting-aside the FIR bearing CR No.I-77 of 2018 registered with Byculla Police Station, Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 324, 504 and 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled their dispute amicably and have, accordingly, approached this Court for quashing the subject FIR by consent. The respondent No.2, being minor

on the date of the incident and also as of today, the consent affidavit dated 8th October, 2018, is filed by his father – Irfan Khalid Khan. In paragraph 4 thereof, he has given no objection for quashing the subject FIR.

4. All the applicants and respondent No.2 along with his father – Irfan Khalid Khan are present before the Court. Both, respondent No.2 and his father – Irfan Khalid Khan, state that they have gone through the application as well as the affidavit and has fully understood the contents thereof and they have no objection if the subject FIR is quashed and set-aside. They further confirmed that they have given no objection for quashing the subject FIR out of their own free will and without there being any pressure or coercion.

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. 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.

5. 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. Hence, we quash and set-aside the FIR bearing CR No.I-77 of 2018 registered with Byculla Police Station, Mumbai.

6. Accordingly, the criminal application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.30,000/- (Rs.10,000/- by each of the applicant) to the respondent No.2. The applicants shall pay the said costs by way of demand draft drawn in favour of the respondent No.2's father – Irfan Khalid Khan and produce the photostat copy of the said demand draft on the file of this Court within a period of four weeks from today, failing which, the order passed in this application shall stand withdrawn automatically without further reference to this Court.

7. Subject to above, the criminal application is disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]