

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1018 OF 2018**

Mr. Faizaan Abdul Razzak Naik and ors.Applicants
versus
Mr. Nizam Abdul Khan and ors.Respondents

Mr. A. Majid H. Banderkar, advocate for the applicants.
Ms. Prajakta P. Shinde, APP for the State.
Mr. Vasim Afzal Shamshad Shaikh, advocate for the respondent Nos.1
and 2.

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

DATE : 16th OCTOBER, 2018.

P. C. :

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

2. The criminal application is filed for quashing and setting-aside
the FIR bearing C.R.No.432 of 2018 registered with Goregaon Police
Station, at the instance of respondent Nos.1 and 2, for the offences
punishable under Sections 279, 336, 323, 324, 325, 326, 365, 143, 147
and 149 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the application settled
their dispute amicably with the intervention of their well-wishers and
elders and, in pursuance of an understanding arrived at between them,

they have approached this Court for quashing the proceedings of the subject FIR by consent. The respondent Nos.1 and 2, the aggrieved persons, have filed a common affidavit dated 28th August, 2018. In paragraph 7, they have stated that they have no objection if the subject FIR is quashed and set-aside against all the accused. The respondent Nos. 1 and 2 are personally present before the Court. On being questioned, they specifically state that they have gone through the application and affidavit as well and have fully understood the contents thereof. They further confirmed that they have given no objection for quashing the subject FIR against all accused out of their 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.

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 C.R.No.432 of 2018 registered with Goregaon Police Station.

5. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of costs of Rs.30000/- by the applicants. The applicants shall deposit the costs with Maharashtra Police Welfare Fund, A/C.914010029005759 AXIS Bank, IFS Code-UTI B0000060 and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the order passed in this criminal application shall stand withdrawn automatically without further reference to this Court.

6. Subject to above, the criminal application stands disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]