

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4802 OF 2017**

Abdul Rehman Gulam Hussain & Anr

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. A. K. Rajput for the Petitioners

Mr. Shivam Shegwati i/b Pracheta Rathod for the Respondent No.2

Mr. V. B. KondeDeshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ**

DATE : 20th APRIL, 2018

P.C.

1 The above Petition has been filed for quashing of the FIR No.310 of 2015 registered with the Dongri Police Station for the offences punishable under Section 406, 420, 465, 468, 471 r/w 34 of the Indian Penal Code, 1860. The said FIR has arisen out of the dispute between the parties as regards the redevelopment of the building wherein they are residing. It is not necessary to dilate further on facts as the Respondent No.2 i.e. the first informant has filed an affidavit in the above Petition which is dated 18-11-2017 and sworn before the notary B. D. Jaiswal, Notary Government of India having his office at Vrindavan CHS Ltd., M. P. Road, Dombivli (W) 421202. The said affidavit bears the noterial register No.3291 dated 18-11-2017. In the context of the relief sought in the above Petition paragraph 6 of the said Affidavit is material and is reproduced hereinunder:

6. I say that earlier also various minor repairing of Building were done by the Petitioners. I say that I had no grievance against the Petitioners and it was revealed in the Investigation by police that the said document was notarized by Employee Salim Munshi working for Aslam Patni. I say that as there was different of opinions among the members and Petitioners which resulted into dispute for which I had lodged the Complaint against the Petitioners. I say that the dispute is now settle between us and I have no objection to Quash the FIR No.310 of 2015.

2 The Respondent No.2 Najma Mhehmood Shaikh is personally present in Court. She is identified by her Pan Card bearing No.DMVPS3055M, a photocopy of which is annexed at page 21 of the above Writ Petition. The Petitioner No.1 Abdul Rehman Gulam Hussain is personally present in Court and identifies the Respondent No.2 as they are residing in the same building. When put in the box and queried, she states that she has been read over and explained the contents of the affidavit which she has filed in the above Petition. She further states that she has understood the said contents and that she has signed the said affidavit of her own free will and volition, in view of the settlement arrived at between the parties. She does not desire to proceed with the FIR.

3 The Petitioner No.1 Abdul Rehman Gulam Hussain is personally present in Court. He is identified by the Learned Counsel Mr. A. R. Rajput. He is also identified by his Adhar Card bearing No.394134241162. When put in the box and queried he reiterates what has been stated by the Respondent

No.2 namely that the parties have settled their dispute.

4 Having regard to the affidavit filed by the Respondent No.2, the statements made by the Respondent No.2 and the Petitioner No.1 when put in the box and queried, the same indicate 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. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr¹** and **Narinder Singh & ors v/s. State of Punjab & Anr²**, there is no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (i). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioners to deposit costs of Rs.25,000/- with the Mumbai Police Welfare Fund in the office of the Commissioner of Police Mumbai, within 6 weeks from date. Receipt to be obtained and filed in the registry.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]

¹ (2012) 10 SCC 303

² 2014 AIR SCW 2065