

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 862 OF 2019

Shabina Khan and others .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondent

...

Mr.Syed A. Abbas Naqvi for the petitioner.
Mr.K.V. Saste, APP for the State.
Ms.Shraddha Vavhal for the respondent no.2.

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

DATED : 3rd APRIL 2019

P.C:-

1 Heard learned counsel for the petitioners, learned counsel for respondent no.2 and the learned APP for the State.

2 The petitioner has approached this Court for invoking jurisdiction under Article 226 of the Constitution of India to quash the proceedings of the Criminal Case. The said case arises out of the registration of the FIR bearing No. 346 of 2018 at the instance of respondent no.2 with Mankhurd Police Station for offences punishable under Sections 395, 506II, 363, 448, 452, 141, 143, 145, 147 of the Indian Penal Code and Section 37(1) and 135 of the Bombay Police Act.

Tilak

3 Pending investigation, with the intervention of elders, parties have settled their dispute amicably. The petitioner as well as respondent no.2 are personally present before the Court.

4 The respondent no.2 has filed an affidavit dated 29th January 2019. In paragraph no.2, he has stated that he has no objection to quash the subject FIR out of free will and without there being any pressure or coercion.

5 The Hon'ble Apex Court in the case of **Narinder Singh vs. State of Punjab**¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines : “Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer

1 [2014 AIRSCW 2065]

only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them buried the hatchet, and since the complainant has been adequately compensated by the petitioner and has also received the entire compensation, we are of the opinion that the FIR is liable to be quashed.

6 In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of ***Narinder Singh*** (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for putting into motion the police and judicial mechanism for settling their personal disputes.

7 Accordingly, the Writ Petition is made absolute in terms of prayer clause (b) subject to payment of costs of Rs.10,000/- by the petitioner to Yashodhan Charitable Trust”

(having registration No.1895/Satara, Maharashtra, Account No. **60245873355** IFSC Code MAHB000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society and thereafter produce the receipt thereof on the file of this petition within a period of four weeks from today, failing which, the petition shall stand dismissed automatically without further reference to the Court and order quashing the criminal proceedings shall be treated as *non-est*.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)