

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.208 OF 2019

Rehan Abdul Hannan Shaikh	.. Applicant
Versus	
The State of Maharashtra & Anr	.. Respondents

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Mr.H.E. Palve for the applicant.
Mr.S.R. Shinde, APP for the State.
Mr.Chetan S. Damre for respondent no.2.

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

DATED : 28th MARCH 2019

P.C:-

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

2 The applicant has approached this Court for invoking jurisdiction under Article 226 of the Constitution of India to quash the FIR bearing C.R. No.70 of 2019 registered at the instance of respondent no.2 with Bandra Police Station for an offence punishable under sections 325, 323, 504 of the IPC.

3 Pending investigation, parties settled their dispute amicably and they have no objection for quashing the subject

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FIR by consent. The respondent no.2 has filed an affidavit dated 27th February 2019. In paragraph no.5, he has given no objection to quash the subject FIR out of free will and without there being any pressure or coercion. Respondent no.2 is personally present in the Court.

8 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 applicant and has also received the entire compensation, we are of the opinion that the FIR is liable to be quashed.

9 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.

10 Accordingly, the Application is allowed in terms of prayer clause (a) subject to payment of costs of R.5,000/- by the applicant to the account of Tata Memorial Hospital within a period of four weeks from today. The applicant shall pay the said costs and produce the receipt thereof on the file of this Court within a period of six weeks from today, failing which, the aforesaid order allowing the Application would automatically stand recalled.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)