

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.996 of 2019**

Mr. Mohd. Azaad Khan @ Shaikh and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Kusum Pandey, advocate for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Mr. Jitendra Tiwari, advocate for respondent No.2.

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

DATE : 30th APRIL, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.I 0105 of 2019 with Tulinj Police Station, at the instance of the respondent No.2 against the petitioners for the offences punishable under Sections 326, 504, 506, 143, 147 and 149 of the Indian Penal Code, 1860.
3. Pending investigation the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at

between them, filed the instant petition for quashing the subject FIR by consent. Respondent No.2 has filed an affidavit dated 30th April, 2019. In paragraphs 4, 5 and 6, he has given his no objection for quashing the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He further confirmed that he has given no objection for quashing the subject FIR on his 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 FIR pending except burdening the Criminal Courts which are already overburdened. 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.

5. Accordingly, the petition is allowed in terms of prayer

clause (b) subject to payment of costs of Rs.20,000/- (Rs.5000/- by each of the petitioner) to **"Tata Memorial Hospital"** an institution that takes care of advanced and terminally ill cancer patients and, thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as non-est.

6. Subject to above, the writ petition stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]