

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1029 OF 2019

Mohammed Tufail Yunus Shaikh
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Girish Pawar i/b Mr. Lavkush Sharma for the Petitioner.

Mr. F. R. Shaikh, APP for the Respondent-State.

Mr. Y. K. Tripathi for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.

Date : **September 3, 2019.**

P. C. :

1. Heard the learned counsel for Petitioner, the learned counsel for Respondent No.2 and the learned APP for the Respondent-State. The petition is filed seeking to quash and set aside the FIR bearing CR.No. 73 of 2019 registered with Dharavi Nagar Police Station at the instance of Respondent No.2 for offences punishable under sections 354, 324, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that during pending investigation, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above FIR, by consent of Respondent No. 2.

3. Respondent No. 2 has filed an affidavit dated 24th February 2019. In paragraph 5 and 6 of the said affidavit, she has stated that she has no objection to quash the subject FIR against the Petitioners.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject FIR initiated by her against the Petitioners.

5. 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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the

considered view that there is no impediment in quashing the subject FIR. Accordingly, petition is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioners with the cost of Rs.10,000/-, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]