

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTON

WRIT PETITION NO. 2509 OF 2019

Fateh Nasim Khan & Ors.

..Petitioners.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Aniket Vegal for Petitioners.

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

Mr. S.S. Mulik for Respondent No.2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **June 17, 2019.**

P. C. :

1. Heard the learned counsel for the petitioners, learned counsel for respondent Nos. 2 to 5 and learned APP for the State. The petition is filed seeking to quash the FIR bearing CR No. 351 of 2019 registered with Malwani Police Station, Mumbai for offences punishable under Sections 354, 324, 323, 504, 506 & 427 read with 34 of IPC. The said FIR is registered at the instance of respondent No.2.

2. Learned counsel appearing for respective parties submitted that pending investigation into above C.R. the parties have with the help an intervention of friends and well wishers, settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them,

present petition is filed seeking to quash the subject FIR, by consent.

3. Before this Court, respondent No.2, as well as other aggrieved persons namely Shahin Aslam Qureshi, Abdul Khan & Arsalan Qureshi have filed separate affidavits dated 26th April 2019. In their respective affidavits they have given their no objection to quash the subject FIR against the petitioners.

4. Respondent Nos. 2 to 5 are personally present before the Court. On specific query made by us, they submitted that they have made the said affidavits on their own free will, without their being any pressure or undue influence. They have further confirmed that they have no objection for quashing the subject FIR against the petitioners herein.

5. It can, thus, be seen that, the matter has been amicably settled between the parties. From the perusal of complaint it appears that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offences 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 over burdened. 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 considered view that there is no impediment in quashing the subject FIR. In that view of the matter, we allow this writ petition in terms of prayer clause (a).

6. In the facts and circumstances of the case we find that it would be appropriate to saddle the petitioners with cost of Rs. 5,000/- each, 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 petitioner shall pay the said cost and produced receipts thereof on the file of this Court within a period of four weeks from today. Failing to pay cost and produce receipts within the stipulated time, the petition shall stand dismissed automatically without further reference to the Court.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]