

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2599 OF 2019

Zakir Jiledar Shah

.. Petitioner

Vs.

The State of Maharashtra
& Ors.

.. Respondents

Ms.Shipra Tanna for petitioner.

Mr.K.V. Saste, APP for respondent No.1-State.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.
DATE : 28TH AUGUST 2019**

P.C.

- 1 Mentioned for production. Production granted in view of urgency.
- 2 Heard the learned counsel for the petitioner and the learned APP for State.
- 3 By this petition, the complainant himself has approached this Court for quashing and setting aside the First Information Report bearing C.R. No.333 of 2016 registered with Juhu Police Station, Mumbai against the respondent Nos.2 and 3 for the offences punishable under sections 326, 504 and 506 read with 34 of the Indian Penal Code, 1860.
- 4 Pending investigation of the subject FIR, parties have amicably settled their dispute and pursuant to the understanding arrived at between

them, they have approached this Court for quashing the subject FIR. The complainant-petitioner has filed an affidavit in support dated 28th August 2019. In paragraph 3 of the said affidavit in support, the petitioner has stated that the dispute with respondent Nos.2 and 3 is settled and he has come forward to quash the subject FIR on her own free will. The petitioner has further stated that he has been explained the contents of the petition and the affidavit in Hindi and she has understood the same.

5 The petitioner-original complainant and the respondent No.2 are personally present in Court. On specific query made by us, the petitioner confirmed that he has no objection for quashing the proceedings of the subject FIR and she has filed the affidavit on her free will and without there being any pressure or coercion.

6 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***¹, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same

1 2014 AIR SCW 2065

time, costs need to be saddled on the parties for using the police and judicial machinery for settling their personal disputes.

7 Accordingly, the petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs.10,000/- by the respondent Nos.2 and 3 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. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the criminal writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

8 Subject to above, the criminal writ petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]