

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2872 of 2019

Rahul Navin Mehta	.. Petitioner
Versus	
Anwar Hanif Khan and ors	.. Respondents

...

Mr. M.G. Shukla for the petitioner.
Mr.F.R. Shaikh, APP for the State.
Mr.M.D. Pareek for respondent nos.1 and 2.

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

DATED : 18th JUNE, 2019

P.C:-

1 Heard learned counsel for the petitioner, learned counsel for respondent nos.1 and 2 and learned APP for the State.

2 Petition is filed for quashing and setting aside the FIR bearing No.406 of 2019 registered at the instance of respondent no.2 at Bandra Police Station for the offences punishable under Section 297 and 337 of the Indian Penal Code.

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

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subject FIR by consent and accordingly, consent terms dated 4th June 2019 (copy of which is annexed at page 12 Exhibit-B). Consent terms states that the petitioner has incurred all the hospitalization expenses of the respondent no.2 (injured). In addition to this, petitioner has also paid an amount of Rs.25,000/- to respondent no.2.

4 In light of above, parties have approached this Court for quashing and setting aside the subject case by consent. Respondent no.1 who is first informant and respondent no.2 who is an injured have filed separate affidavits dated 4th June 2019. In paragraph no.4, they have given no objection to quash the subject FIR out of free will and without there being any pressure or coercion. Both respondent nos.1 and 2 are personally present in the Court.

5 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

1 [2014 AIRSCW 2065]

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 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 and 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 in exercise of our inherent powers to secure the ends of justice.

6 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.

7 Accordingly, the Writ Petition is allowed and the subject FIR No.406 of 2019 is quashed and set aside subject to the following :-

(i) The petitioner shall pay costs of Rs.10,000/- to the respondent no.2. 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 order of quashing the FIR shall stand revoked without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

Subject to the above, Writ Petition stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)