

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.705 PF 2016

Shamsuddin Mobin Khan & Ors.Applicants
Versus
The State of Maharashtra & Ors.Respondents

Mr. U.P. Warunjikar, Advocate for the Applicants.
Mrs. A.S. Pai, APP for the Respondent-State.
Mr. Pravartak Pathak, Advocate for the Respondent No.2.

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

DATE : 22nd AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. The application is filed for quashing and setting aside the FIR bearing C.R.No.I-195 of 2016 registered with Tulinj Police Station, Nalasopara (East), Tal.Vasai, Dist.Palghar, at the instance of respondent No.2 against the applicants for the offences punishable under Sections 420, 406, 120(B), 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent. Earlier the Respondent No.2 has filed an affidavit dated 28th June, 2016

giving no objection to quash and set aside the subject FIR. In view of the developments which have been recorded by the Division Bench of this Court in the order dated 5th August, 2016, we directed the Respondent No.2 to file fresh affidavit. Accordingly, the Respondent No.2 has filed an affidavit dated 20th August, 2019 in vernacular language. In Paragraph 3 thereof, he has given his no objection for quashing the subject FIR. The Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the application and affidavit and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the subject FIR out of 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 proceedings of the subject criminal case 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 application is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- (to be paid by each of the applicant) 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 application shall stand dismissed automatically without further reference to the Court and order quashing the subject FIR shall be treated as non-est.

6. Subject to above, the application is disposed off.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]