

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 932 OF 2019**

Mohd. Shahid Abdul Wahid Shaikh & ors. ...Applicants
Versus
The State of Maharashtra & ors. ...Respondents

Mr. Mateen Shaikh, for the Applicants.
Mr. K. V. Saste, APP for the State/Respondent.
Ms. Adeeb Khan, i/b Sharif Shaikh, for Respondent no.3.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED: 4th OCTOBER, 2019**

PC:-

1. Mentioned for production board. Taken up on production board in view of urgency.
2. Heard Mr. Shaikh, the learned Counsel for the applicants, Mr. Saste, the learned APP and Ms. Khan, the learned Counsel for respondent no.3.
3. The application is filed under Section 482 of Criminal Procedure Code for quashing and setting aside the FIR being CR No.282 of 2019, dated 10th July, 2019, registered with Kurla Police Station at the instance of respondent no.3 for the offences punishable under Sections 325, 354, 323, 504, 509 read with Section 34 of Indian Penal Code.
4. Pending investigation, the parties to the application have settled their dispute amicably and, in pursuance of an

understanding arrived at between them, filed the instant application for quashing the subject FIR by consent. The FIR was filed by respondent No.3. In pursuance of the settlement, Respondent no.3 has filed Affidavit, dated 18th July, 2019. In the said Affidavit respondent no.3 has given her no objection for quashing and setting-aside the subject FIR. Respondent No.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof. She further confirmed that she is giving no objection for quashing and setting aside the subject FIR on her own free will and without there being any pressure or coercion.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the 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 time, costs need to be

1 2014 AIR (SCW) 2065

saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, the application is allowed in terms of prayer Clause (a) subject to payment of costs of Rs.10,000/- by the applicant to the “**Tata Memorial Hospital**”, an institution that takes care of the 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 the order quashing the criminal proceedings shall be treated as *non-est*.

7. Subject to above, the criminal application stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]