

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

CRIMINAL APPLICATION NO.906 OF 2018

Arif Noor Mohd. Shaikh & Ors.

..Applicants

V/s.

The State of Maharashtra & Ors.

.. Respondents

Dr.Samarth S. Karmarkar a/w Ms.S.G. Maurya i/b Karmarkar & Associates for the Applicants.

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

Ms.Prajakta Tole i/b Ms.Reshma Apte for Respondent Nos.2 to 8.

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

DATE : 15th JULY 2019

P.C.

1. Heard the learned counsel for the applicants and respondent Nos.2 to 8 and learned APP for the respondent No.1-State.

2. The application is filed for quashing and setting aside the FIR bearing CR No.341 of 2018 registered with Kurar Police Station at the instance of the respondent No.2 for an offence punishable under Sections 324, 323, 504, 506(ii), 427, 113, 144, 147, 149 read with Section 37(1)(A) and Section 135 of the

Maharashtra Police Act.

3. During the pendency of the investigation parties settled their dispute and in pursuant of the settlement arrived between them, they have approached this Court for quashing the subject FIR by consent.

4. The respondent Nos.2 to 8 have filed common affidavit dated 24.10.2018. In para 3 they have given no objection to quash the subject FIR. The respondent Nos.2 to 8 are personally present in Court and on specific query they made a statement that they have gone through the petition and affidavit and understood the contents thereof. They specifically state that they have no objection to quash the subject FIR against the present applicants.

5. 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 has observed thus :-

1 [2014 AIRSCW 2065]

“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 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 no gainful purpose would be achieved in continuing the prosecution.

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 subject FIR is quashed and application is allowed in terms of prayer clause (a) subject to following :-

- (i) By way of cost the applicants shall pay an amount of Rs.25,000/- to **Tata Memorial Hospital** within the period of two weeks from today and place the receipt of the same on record.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)