

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.940 OF 2019

Wasim Abdul Rahim Salar

@ Mukari Salar & Anr.

Versus

The State of Maharashtra and Ors.

.....Applicants

.....Respondents

Mr. S.P. Rajepandhare, advocate for Applicants.

Mr. S.R. Shinde, APP for Respondent-State.

Mr. J.S. Yadav, Advocate for Respondent No.3.

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

DATE : 1st AUGUST, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. By the present application, the applicants are seeking quashment of the FIR No.323 of 2019 registered with Vijapur Naka Police Station, Solapur. On the basis of the said FIR, an offences under Sections 384, 385, 504, 506 read with Section 34 of the Indian Penal Code, 1860 have been invoked and applied against the applicants.

3. Pending investigation into the matter, the parties to the application have settled their dispute amicably between themselves and accordingly, an affidavit is tendered by the respondent No.3/complainant

today. In the said affidavit, a categorical statement is made that the FIR came to be filed by the respondent No.3/complainant on account of misunderstanding and miscommunication between him and the applicants, who are arraigned as accused. However, it is also stated in the affidavit that the Respondent No.3/accused does not intend to proceed with the matter and he has no grievance against the applicants. Resultantly, the complainant/Respondent No.3 has given his no objection for quashing the subject FIR.

4. We have perused the said affidavit and also perused the allegations and averments contained in the complaint, on the basis of which the FIR is registered. 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 criminal proceedings 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 Rs.10,000/- by the applicants to the **“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 applicants 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 application shall stand dismissed automatically without further reference to the Court and the order quashing the FIR shall be treated as *non-est*.

6. Subject to above, the criminal application stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]