

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.945 of 2019

Mukesh Popatlal Gada & Ors.Applicants
Versus
The State of Maharashtra & Anr.Respondents

Mr. M.K. Kocharekar, Advocate for the Applicants.
Mr. F.R. Shaikh, APP for the Respondent-State.
Mr. Saeed Akhtar, Advocate for Respondent No.2.

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

DATE : 1st AUGUST, 2019.

P. C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. Respondent No.2 had lodged the complaint with Dindoshi Police Station, Mumbai, pursuance to which a FIR No.306 of 2019 came to be registered under Sections 323, 324, 365, 143, 145, 149 of Indian Penal Code, 1860 against the present applicants. It is alleged in the said complaint that the present applicants have assaulted the complainant and based on which, the relevant provisions of the Indian Penal Code, 1860 have been invoked and applied.

3. Pending investigation, the parties to the application settled their dispute amicably and accordingly, the complainant Imran Istiyaq Ahmed has placed on record an affidavit dated 29th July 2019. In the said affidavit, it is stated that the incident had arose out of fit of anger and there was no intention to assault or humiliate the complainant and the applicants have accepted their apology and forgive their conduct for the said act. In the affidavit, he has given his no objection for quashing the subject FIR in order to maintain harmony, peaceful and friendly relationship between both the parties. The complainant and respondent No.2 are personally present before the Court. They affirm and submit before us that they do not wish to pursue the matter.

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 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 50,000/- 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 criminal proceedings shall be treated as non-est. Since we have quashed the subject FIR, we direct to release the applicants forthwith from the custody.

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

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]