

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

CRIMINAL WRIT PETITION NO. 4381 OF 2019

1. Firoz Kadir Shaikh
& Anr.

.. Petitioners

Vs.

1. State of Maharashtra
& Ors.

.. Respondents

Ms.Saroj Jadhav i/b M.A. Ingale for petitioners.

Mr.F.R.Shaikh, APP for respondent No.1-State.

Mr.Jayesh Mistry for respondent Nos.2 and 3.

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

DATE : 11TH SEPTEMBER 2019

P.C.

1. Heard the learned counsel for the petitioners, the learned APP for respondent No.1-State and the learned counsel for respondent Nos.2 and 3.

2. The petition is filed for quashing and setting-aside the first information report bearing C.R.No.560 of 2016 registered with Santa Nagar Police Station, Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 354 and 323 read with 34 of the Indian Penal Code, 1860.

3. Pending investigation, the parties to the petition have settled their dispute amicably and in pursuance of the understanding arrived at between them, have approached this Court for quashing the subject FIR

by consent. The respondent Nos.2 and 3 have filed affidavit dated 27th August 2019 and in paragraph 5 have given their no objection for quashing the subject FIR. The respondent Nos.2 and 3 and the complainant are personally present before the Court. On specific query of this Court, the respondent Nos.2 and 3 confirmed that they have no objection for quashing the subject FIR and filed the affidavit on their 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**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 saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, the petition is allowed in terms of prayer clause (ii) of the petition, subject to payment of costs of Rs.5,000/- by the petitioners 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

1 2014 AIR SCW 2065

downtrodden society. The petitioners 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 writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

6. Subject to above, the criminal writ petition stands disposed of.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]