

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

CRIMINAL WRIT PETITION NO.4140 OF 2018

Farooq Ali Khan & Anr.

..Petitioners

V/s.

The State of Maharashtra & Anr.

..Respondents

Mr.Satish Maneshinde a/w Ms.Snehal Khairnar, Anandni Fernandes,
Lakshmi Raman, Nikhil Maneshinde for the Petitioners.

Mrs.A.S. Pai, APP for the Respondent-State.

Mr.Nilesh Bhosale for Respondent No.2.

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

DATE : 05th APRIL 2019

P.C.

1. Heard learned counsel for the petitioner, learned counsel for respondent No.2 and learned APP for the State.

2. The petition is filed for quashing and setting aside the MECR No.256 of 2017 registered at the instance of respondent No.2 with Byculla Police Station for an offence punishable under Sections 464, 465, 467, 468, 471, 472 read with 120(B) of the Indian Penal Code.

3. Pending investigation, parties settled their dispute amicably and in pursuant of the understanding arrived between them they have approached this Court to quash the subject FIR by consent. Accordingly the respondent 2 has filed affidavit dated 20.02.2019. In paragraph No.6, he has given consent to quash the subject FIR.

4. The petition was placed before this Court on 21.02.2019. On that day, joint request was made by the parties to quash the subject FIR. After decision of the Karnataka High Court a similar request was made for quashing of FIR lodged by the present petitioner and two other persons against respondent No.2. On this request hearing of this petition was deferred. Thereafter, the petitioner and two other persons approached Karnataka High Court by filing petition Nos. 3446 of 2017, 3447 of 2017, 3443 of 2017 and 3444 of 2017. These petitions were disposed of by learned Single Judge of Karnataka High Court by common order dated 18.03.2019 and FIR filed against respondent No.2 came to be quashed. The copy of the order dated 18.03.2019 is placed on record.

5. The respondent No.2 has also filed Joint Memo dated

03.04.2019. Whatever stated herein above and in addition to this, has prayed for quashing and setting aside of subject FIR. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

6. 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.

7. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25000/- by the

Petitioner to the “**Yashodhan Charitable Trust**” (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFCS Code MAHB0000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The petitioner 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 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*.

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

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)