

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (APL) NO. 1110 OF 2022

Shaikh Imran Shikh Kadar and others

vs.

State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. P. Thakare, Advocate for applicants.
Mr. S. S. Doifode, APP for respondent No.1 State.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES JJ.**

DATE : 25/08/2022

At the outset, the learned counsel for the applicants submits that inadvertently, the informer/complainant was added as joint applicant in this application, seeking quashing of First Information Report (FIR). An oral prayer is made for transposing the applicant No.4, as non-applicant No.2. In the interest of justice, the prayer is granted.

2. It is brought to our notice that although FIR for offences under Sections 294, 307, 506 read with 34 of the Indian Penal Code (IPC) stood registered on 16/07/2022, on an oral report submitted by non-applicant No.2, the parties have

now settled their dispute and they are jointly praying for quashing of the FIR.

3. Attention of this Court was invited to pages 5 and 6 wherein applicant No.1 and non-applicant No.2 have sworn affidavits in support of the application and the prayers made therein.

4. In the case of *Narinder Singh vs. State of Punjab (2014) 6 SCC 466*, the Hon'ble Supreme Court, following the law laid down in the case of *Gian Singh vs. State of Punjab (2012) 10 SCC 303*, held that non-compoundable offences could also be quashed, provided that the Court was satisfied that the grievance of the informer/complainant was based on a private dispute between the parties and that if there was material to indicate that no serious injury was suffered by the victim. Even in a case where offence under Section 307 of the IPC was alleged, the High Court while exercising power under Section 482 of the Code of Criminal Procedure could quash the FIR upon the dispute between the parties being settled.

5. In paragraphs 29, 29.1, 29.2, 29.5 and 29.6 of the said judgment in the case of *Narinder Singh vs. State of Punjab* (supra) the Hon'ble

Supreme Court has laid down the principles governing such cases.

6. Considering the facts brought to our notice in the present case, we are satisfied that the principles laid down in the said judgment of the Hon'ble Supreme Court are satisfied and that therefore, the present application can be allowed.

7. But we find that in a number of cases, the informer/complainant triggers the initiation of criminal proceedings by causing registration of FIR and thereafter, the informer and the accused settle their inter se dispute, but in the process they increase the workload of the already overworked police machinery and also burden the dockets of Courts. Therefore, we are of the opinion that appropriate costs need to be imposed upon the applicants, as well as non-applicant No.2 for granting the prayer in the present application.

8. In view of the above, the application is allowed and FIR No.378 of 2022 dated 16/07/2022 registered at Police Station Nagpuri Gate, Amravati is quashed, subject to the applicants on the one hand and non-applicant No.2 on the other, depositing amounts of Rs.25000/- each towards costs with the

Legal Services Sub Committee of this Court at Nagpur Bench of the Bombay High Court.

9. The applicants and non-applicant No.2 shall place on record photo copies of their Aadhar Card in this Court during the course of the day.

10. The amount of costs shall be deposited within **four weeks** from today and in case of failure, the order passed today shall stand recalled.

JUDGE

JUDGE

*Digitally signed by*RAVIKANT
CHANDRAKANT KOLHE
*Signing Date:*29.08.2022
10:41

KOLHE