

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

CRIMINAL APPLICATION NO. 1106 OF 2022

1. Ansari Mohammad Azeem Md Saleem
Age: 21 years; Occ: Service
547, Chavindra Road, Darus Masjid
Ram Nagar, Mansoorabad, Elkunde Thane
 2. Mohammad Wasim Abdul Hamid
Age: 21 years; Occ: Service
Shandar Market, Gala No. 191,
High Alert Security, Nashik Road,
Bhiwandi. Thane.
 3. Mohammad Moin Yakub Khan
Age: 26 years; Occ: Business
Residing at 324 MHADA Colony,
Naddi Naka, Wada Road,
Shelar, Tal: Bhiwandi,
Dist: Thane.
 4. Azher-ul-haque Fazlul Haque Khan
Age: 32 years; Occ: Business
Residing at House No. 12/25,
Sai Nagar Colony, Gaibi Nagar,
Dist: Thane.
- ... Applicants

Versus

1. The Senior Police Inspector
Shanti Nagar Police Stationery
Taluka: Bhiwandi District: Thane.

2. The State of Maharashtra
(Through Chief Public Prosecutor
High Court A.S. Bombay.)
3. Mohammad Rashid Jumman Ansari
Age: 59 years; Occ: Service
Residing at House No.64, Zaitun Pura,
Near Balkami Hotel, Mangal Bazar Slab,
Bhiwandi, Dist: Thane. ... Respondents

Mr Mateen Shaikh for the Applicants.

Ms Muskan Shaikh i/by Farzana Sawant for the Respondent
No.3.

Mr J. P. Yagnik, APP for the Respondent Nos.1 & 2-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 13 JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the

Code of Criminal Procedure, 1973, the Applicants seek to quash the FIR bearing No. 455 of 2022 registered against them at Shanti Nagar Police Station, Bhiwandi. The FIR was filed by Respondent No.3 for the offences punishable under Sections 365, 342, 323, 504 read with 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. At the outset, the learned counsel for Applicants and Respondent No.3, in unison, submitted that the dispute arose due to some misunderstanding and has been resolved. They submitted that continuing the prosecution would serve no purpose, given the settlement between the parties. They argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing State, on instructions, submitted that, in this case, the prosecution is filing B Summary Report in the learned Trial Court and submitted to pass suitable orders.

6. The learned counsel for Respondent No.3 tendered an

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

affidavit dated 29 August 2022 of Respondent No.3, extending consent for quashing the impugned FIR. Respondent No.3 appeared before us and stated that he has no objection to the quashing of the impugned FIR against the Applicants. He is not intending to proceed with the matter and have no grievance against the Applicants. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the dispute between the parties had been resolved amicably. As the complainant is no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in this case to put an end to the impugned FIR. The affidavit filed on behalf of Respondent No.3 supports this prayer.

8. As we expressed our opinion, the learned counsel for the Applicants, on instructions, submitted that each of the

Applicants will pay costs of Rs.5,000/- to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct each of the Applicants to pay costs of Rs.5,000/- within three weeks of this order being uploaded.

9. Accordingly, we allow this Criminal Application in terms of prayer clause (a) and quash and set aside the subject FIR bearing C.R. No. 455 of 2022 registered against the Applicants at Shanti Nagar Police Station, Bhiwandi.

10. Rule is made absolute in the above terms. Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

BIPIN
DHARMENDER
PRITHIANI

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BIPIN DHARMENDER
PRITHIANI
Date: 2023.07.19
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