

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.530 OF 2015

M/s. Renaissance Infrastructure & Anr.	..Petitioners.
<u>Versus</u>	
The State of Maharashtra & Anr.	..Respondents.

Mr. P.K.Dhakephalkar, Sr. Counsel i/by Mr. J.G.Reddy, advocates for petitioners.

Mr. S.K.Shinde, PP with Mrs. M.M.Deshmukh, APP for State.

Mr. Ajay S. Patil, advocate for respondent no.2.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.
Date : **28th AUGUST, 2015.**

P. C. :

Heard Mr. Dhakephalkar the learned Senior Counsel for the petitioners, Mr. Patil the learned counsel for respondent no.2 and Mr. Shinde the learned PP with Mrs. Deshmush the learned APP for the State.

2 This petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside F.I.R. bearing C.R.No.7 of 2015 registered with Kanjurmarg Police Station, Mumbai for the offences

punishable under Section 3(2)(c)(e) of Prevention of Damage to Public Property Act, 1984 (In short '**Said Act**') at the instance of respondent no.2/Original Complainant by consent. In his complaint, respondent no.2 has alleged that petitioners are demolishing toilet block which is the public property within the meaning of the said Act and, therefore, filed complaint. Subsequently, respondent no.2 realized that petitioners never had a plan to demolish the said toilet block but only entry to the said toilet block was changed from South to West. In fact, this change of entry was for the benefit of public residing in the project, which is being undertaken by the MMRDA.

3 Respondent No.2, accordingly, has filed affidavit stating that the complaint is filed out of misunderstanding. He has, accordingly, given 'No Objection' to quash the proceedings of the subject F.I.R. Respondent no.2 is personally present in the court. On specific query, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence and he confirms having made aforesaid statement in his affidavit. In paragraph 9, he has given 'No Objection' to quash the

subject F.I.R which is initiated by him against the petitioners for the offence punishable under Section 3(2)(c)(e) of the Said Act'.

4 In the above circumstances and in the light of principles laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab**¹, we are of the considered view that there is no impediment in quashing the subject FIR.

5 Accordingly, this petition is allowed in terms of prayer clause (a).

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]

¹ [2014 AIR SCW 2065].