

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1068 OF 2015

Master Vishal Kumar Upadhayay
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. M. H. Mulla for the Petitioners.
Ms. Saziya Mukadam for Respondent No. 2.
Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **April 22, 2015.**

P. C. :

1. This writ petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of FIR No.154 of 2014 dated 20th March 2014 registered at Sakinaka Police Station, Andheri (East), Mumbai. The said FIR is registered at the instance of Respondent No.2 for the offence punishable under section 379 read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective parties submitted that pending investigation, parties have settled

their disputes amicably and in pursuance of the understanding arrived at between them, the Petitioners have filed THE present petition for quashing the aforesaid FIR by consent. They accordingly requested to allow the petition and to quash and set aside the aforesaid FIR.

3. The original complainant - Respondent No.2 herein has filed an affidavit dated 12th March 2015. In paragraph 4 of the said affidavit, she has stated that he has given no objection to quash and set aside the said FIR.

4. When this petition was placed for orders on 19th March 2015, Respondent No.2 was personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question filed by him against the Petitioners for the alleged offence punishable under sections 379 read with 34 of the Indian Penal Code, 1860.

5. All the petitioners are juveniles. They along with their parents are present in the Court. The parents assure and

undertook before this Court that they would take proper care of their wards and ensure that they would not indulge in any anti-social activity. Undertakings are accepted.

6. It can, thus, be seen that the matter has been amicably settled between the parties. In above circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.

8. Accordingly, petition is made absolute in terms of prayer clause (b).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]