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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1709 OF 2015

Jeetendra Mohan Khatri

....Petitioner

versus

1. The State of Maharashtra

2. Kavita P. Kambli

....Respondents

Mr. Umesh S. Iyer, advocate for the petitioner.

Mrs. M. H. Mhatre, APP for the State.

Mr. Sooraj Hulke, advocate for respondent No.2.

**CORAM : RANJIT MORE &
A. P. BHANGALE, JJ.**

DATED : 7th MAY, 2015.

P.C.:

Heard.

2. This petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is filed for quashing and setting-aside the proceedings of F.I.R.No.29 of 2015 registered at Parksite Police Station, Vikhroli, Mumbai at the instance of respondent No.2 against the petitioner for offence punishable under Section 406 of the Indian Penal Code.

3. The petitioner and respondent No.2 are real brother and sister. During the pendency of the investigation, the dispute between them came to be settled amicably and, in pursuance of an understanding arrived at between them, approached this Court for quashing the proceedings of the said FIR by consent. Respondent No.2 has filed an affidavit dated 20th April, 2015. In paragraphs 3 and 4, she has given her no objection for quashing and setting-aside the proceedings of the said FIR.

Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of said FIR are quashed and set-aside. She also stated that she is giving no objection for quashing the proceedings of the said FIR out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh and ors. versus State of Punjab and anr. 2014 AIR (SCW) 2065**, we are of the considered view that there is no impediment in quashing the the proceedings arising out of the said FIR. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.3,000/- by the petitioner to Kirtikar Law Library. The petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today, failing which, the petition shall stand dismissed automatically and the order of quashing of the proceedings/FIR shall be treated as *non-est*.

(A. P. BHANGALE, J.)

(RANJIT MORE, J.)