

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2388 OF 2015

Fr. Lawrence Ferrao, S.J. ..Petitioner.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Sandesh D. Patil for the Petitioner.

Mr. P. S. Patil for Respondent No. 2.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 2, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner, the learned Counsel appearing for Respondent No. 2 and learned APP for the State.

2. The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, to quash the FIR No.I/15/2007 registered with Bandra Police Station. The said FIR is registered against the Petitioner, Sayyad Akthar and three unknown persons, pursuant to FIR lodged by Respondent No.2, for the offence punishable under section 325 read with 34 of the

Indian Penal Code, 1860. However, upon completion of investigation, charge-sheet is filed only against Sayyad Akthar, while the Petitioner is shown as a wanted accused.

3. The original complainant – Respondent No. 2 herein has filed an affidavit dated 22nd June 2015. In paragraph 6, he has given no objection to quash the proceedings of the said FIR as against the Petitioner. Respondent No. 2 is personally present in the Court. He reiterate his statements in the affidavit and submitted that he has no objection for quashing the said FIR as against the Petitioner.

4. Senior Police Inspector and Police Inspector of Bandra Police Station are present in the Court. They submitted that the allegations of assault are made only against Sayyad Akthar, who was the teacher at Stanislaus High School, Hill Road, Bandra. They have conceded that the Petitioner was the Principal of the School and the FIR does not disclose any allegation against the Petitioner. They submitted that they do not wish to file any supplementary charge-sheet against the Petitioner. They have

given no objection to quash the FIR qua the Petitioner and further to delete the entry in the charge-sheet wherein the name of the Petitioner is shown as a wanted accused.

5. Considering the consent given by Respondent No. 2 and taking into consideration the fact that there are no allegations in the FIR against the Petitioner, we deem it fit to quash the said FIR qua the Petitioner.

6. In the light of above, FIR No.I/15/2007 registered with Bandra Police Station at the instance of Respondent No.2 is quashed qua the Petitioner herein. The name of the Petitioner shown as wanted accused be deleted from the charge-sheet.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]