

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

CRIMINAL APPLICATION NO.668 OF 2015

Jogsingh Bhawarsingh Bhomia Rathod	).. Applicant
Vs.	
State of Maharashtra & Ors.	).. Respondents

Mr.Ajit J.Shobhawat for the applicant.
Mr.R.N.Kachare for respondent no.2.
Mrs.M.H.Mhatre APP for the Respondent-State.

**CORAM : RANJIT MORE &
K.R.SHRIRAM, JJ.**

DATE : 5th August, 2015

P.C.

1 Heard the learned Advocate for the applicant, learned Advocate for respondent no.2 as well as learned APP for the State.

2 The application is filed for quashing and setting aside the FIR bearing C.R.No.167/2015 dated 24.4.2015 registered with V.P.Road Police station at the instance of respondent no.2 for an offence punishable under Section 408 of IPC.

3 Pending investigation, parties have settled their dispute amicably and arrived at mutual settlement. Pursuant to the same, present

application is filed for quashing the above FIR, by consent of respondent no.2.

4 Respondent no.2 has filed an affidavit dated 5.8.2015. In paragraph no.4 he has stated that he does not want to proceed with the subject FIR. Respondent no.2 is personally present in 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 subject FIR in question initiated by him against the applicant.

5 In the circumstances and in the light of the principles laid down by the Apex Court 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 subject FIR.

6 Accordingly, application is allowed in terms of prayer clause-(a) subject to cost of Rs.5000/- to be deposited by the applicant with Tata Memorial Cancer Hospital within a period of two weeks from today.

(K.R. SHRIRAM, J.)

(RANJIT MORE,J)