

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

CRIMINAL WRIT PETITION NO.3061 OF 2015

Shri Avtar Singh

).. Petitioner

Vs.

State of Maharashtra & Ors.

).. Respondents

Mr.Ajay Sharma i/by S.S.Prabhune for the petitioner.

Mr.K.V.Saste APP for the Respondent-State.

Mr.Javed Hussein, Sangram Lotankar, Mubashir Hussein, Alice Paul i/by
Hussein & Co. for respondent nos.2 to 4.

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

DATE : 5th August, 2015

P.C.

1 Heard learned Advocate for the petitioner, learned APP for the respondent-state as well as learned Advocate for respondent nos.2 to 4.

2 This petition is filed for quashing FIR bearing C.R.No.1 of 2015 registered with CBD Police station, Belapur, Dist. Thane at the instance of respondent no.2 for the offences punishable under Sections 405, 420, 463, 464, 468 & 471 r/w 34 of IPC.

3 Pending investigation, parties settled their dispute amicably and

approached this court for quashing and setting aside subject FIR. Respondent no.3 is the father of respondent no.1 and respondent no.2. Respondent nos.3 & 4 are the owners of the shop in question and they had given power of attorney to respondent no.2 for the purpose of leave & license of the said shop. The allegations in the complaint is that the petitioner forged the supplementary agreement for the enhancement of the leave and license agreement. Respondent nos.2, 3 & 4 have filed common affidavit dated 5.8.2015. They have stated in the affidavit that dispute between themselves and the petitioner has been settled and they are giving consent to quash and set aside the subject FIR.

4 Respondent nos.2, 3 & 4 are personally present in court. On specific query made by us, they submitted that they have made the said affidavit on their own free will, without there being any pressure or undue influence. They have further confirmed that they have no objection for quashing the criminal proceedings in question.

5 In above 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 criminal proceedings.

6 Accordingly, writ petition is allowed in terms of prayer clause-(c) subject to payment of cost of Rs.10,000/- to be paid to **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients.

(K.R. SHRIRAM, J.)

(RANJIT MORE,J)