

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

CRIMINAL WRIT PETITION NO.3063 OF 2015

Suraj Ramji Giri

).. Petitioner

Vs.

The State of Maharashtra & Ors.

).. Respondents

Mr.Satish R.Mishra for the petitioner.

Mrs.M.M.Deshmukh APP for the Respondent-State.

Mr.Anand Mishra for respondent no.3.

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

DATE : 5th August, 2015

P.C.

1 Heard the learned Advocate for the petitioner, learned Advocate for respondent no.3 as well as learned APP for the Respondent-State.

2 Petition is filed for quashing and setting aside the FIR bearing C.R.No.417 of 2015 registered with the Sakinaka Police Station, Mumbai at the instance of respondent no.3 for the offences punishable under Sections 323, 324, 504, 452 r/w 34 of IPC.

3 Pending investigation, parties have settled their dispute amicably and approached this court for quashing the subject C.R. Respondent

no.3 has filed an affidavit dated 5.8.2015. In paragraph no.3 of the said affidavit, he has stated that he has no objection for quashing the subject FIR in question initiated by him against the petitioner. Respondent no.3 is 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.

4 In view of above and in view 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 FIR.

5 Accordingly, Petition is allowed in terms of prayer clause (a). As the police machinery was used by the parties to settle their private disputes as a corollary of differences of opinion, we find it would be appropriate to saddle the petitioner with the cost of Rs.5,000/-, which shall be paid to the **"Tata Memorial Cancer Hospital"** an institution that takes care of the advanced and terminally ill cancer patients.

(K.R. SHRIRAM, J.)

(RANJIT MORE,J)