

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3331 OF 2015

Shri Prasad Shriram Dhupkar & Ors.

..Petitioners.

Versus

The State of Maharashtra & Anr.

..Respondents.

Mr. R.V.Pawar, advocate for petitioners.

Mr. K.V.Saste, APP for the State.

Mr. M.V.Sawant, advocate for respondent no.2.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : **2nd September, 2015.**

P. C. :

This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of the Criminal Case No.1856/PW/2014 pending before the learned Metropolitan Magistrate, 52nd Court at Mulund, Bombay arising out of C.R.No.60/2014 registered with Kanjur Marg Police Station for the offences punishable under Sections 323, 324, 504 read with Section 34 of the Indian Penal Code, 1860 at the instance of respondent no.2 against the petitioners by consent.

2 Pending trial, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case. Respondent no.2 has filed affidavit affirmed on 2.9.2015. By making averment in paragraph 5 of it, he has requested this Court to quash the subject F.I.R. and the consequential criminal case for strengthening and maintaining the goods relations amongst them. Respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR and consequential criminal proceedings are quashed and set-aside. He also stated that he is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

3 In the light of the principles laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab**¹ we are of the considered view that there is no impediment in quashing the subject F.I.R. and the consequential criminal proceedings.

¹ [2014 AIR SCW 2065]

4 Accordingly, criminal writ petition is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we deem it fit to saddle the petitioners with the cost of Rs.5,000/-, which shall be paid to the “**Kirtikar Law Library**”.

5 For the quashment to take effect, the petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and the order quashing the subject FIR and the consequential criminal proceedings shall be treated as *non-est*.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]