

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3351 OF 2015

Sachin Jayprabhat Gaikwad & Ors.

..Petitioners.

Versus

The State of Maharashtra & Anr.

..Respondents.

Mr. M.V.Sawant, advocate for petitioners.

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

Mr. R.V.Pawar, 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.1855/PW/2014 arising out of F.I.R. bearing C.R.No.59 of 2014 registered with R.C.F. Police Station for the offences punishable under Sections 326, 323, 324, 504 read with Section 34 of the Indian Penal Code, 1860 pending before the learned Metropolitan Magistrate, 52nd Court at Kurla, Mumbai 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 along with other injured/aggrieved persons have filed common affidavit affirmed on 2.9.2015. By making averment in paragraph 5 of it, they have requested this Court to quash the proceedings of the subject criminal case for strengthening and maintaining the good relations amongst them. They are personally present before the Court. On being questioned, they specifically stated that they have gone through the affidavit and have fully understood the contents thereof and have no objection, if the proceedings of the subject criminal case are quashed and set aside. They also stated that they are giving no objection for quashing the proceedings of the subject criminal case 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

¹ [2014 AIR SCW 2065]

proceedings of the subject criminal case.

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 proceedings of the subject criminal case shall be treated as *non-est*.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]