

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.846 OF 2015

Mrs. Vadana Jawaharlal Rathod	..Applicant.
<u>Versus</u>	
State of Maharashtra	..Respondent.

Mr. Amey Deshpande, advocate for applicant.
Mr. Jitendra C. Aher, advocate for respondent no.2
Mrs. M.H.Mhatre, APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.
Date : **24th AUGUST, 2015.**

P. C. :

Heard.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing F.I.R. bearing C.R.No.I-27/2013 for the offences punishable under Sections 417, 420, 467 and 468 of the Indian Penal Code, 1860.

3 Pending investigation, parties have settled their disputes amicably and have approached this Court for quashing of the

subject F.I.R. by consent. Respondent no.2 has filed affidavit dated 24.8.2015. In paragraph 7 of it, he has given 'no objection' to quash the subject F.I.R. Respondent no.2 is present in the Court. On specific query made by us, he states 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 F.I.R. initiated by him against the Applicant for the offences punishable under sections 417, 420, 467 and 468 of the Indian Penal Code, 1860.

4 Considering the nature of the offence as well as the no objection given by the respondent no.2, 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 continuation of the subject F.I.R would cause great prejudice and hardship to the applicant and would amount to abuse of process of the court.

5 Application is, accordingly, allowed in terms of prayer clause (a) subject to cost of Rs.25,000/- to be paid by the applicant.

The applicant shall deposit the costs with **“Tata Memorial Hospital”**, an institution that takes care of the advanced and terminally ill cancer patients and thereafter produce the receipt thereof on the file of this application within a period of four weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

6 Subject to above, the criminal application stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]