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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1108OF 2015

Irfan Yunus Namakwala and anr. .. Applicants

V/s.

State of Maharashtra ..Respondent.

Mr. S.R. Chitnis, Sr.Advocate i/by Husen Shaikh for the Applicants.

Mrs. M.M. Deshmukh, A.P.P. for the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 21st DECEMBER,2015

P.C. :-

Heard learned counsel for the applicants and the learned A.P.P. For the State.

2. By the order dated 16th December, 2015, we had issued notice to respondent no. 2/original complainant and the applicant was granted liberty to serve him by hamdust. Mr.Chitnis makes a statement that respondent no. 2 is served. Affidavit of service to that effect is already filed. Statement is accepted.

3. The application is filed for quashing the FIR bearing C.R. No. 241 of 2015 registered with D.B. Marg Police Station, Mumbai on 24th September, 2015 on the ground that this is the second FIR in

respect of which already FIR No. 240 of 2015 was registered by the same police station on 24th September, 2015. We have perused both the FIRs. Both the FIRS are registered at the instance of different persons though the same were registered in respect of the same set of circumstances.

4. Mrs. Deshmukh, learned A.P.P., having taken instructions from Officer makes a statement that she has no objection to quash the subsequent FIR i.e. FIR No. 241 of 2015 and the same will be treated as statement of respondent no.2 under section 161 of Cr.P.C. and investigation of the FIR No. 240 of 2015 will be proceeded with. Statement is accepted. In the light of the statement, nothing survives in this application, which is accordingly disposed of.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)