

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 CRIMINAL APPLICATION NO. 5682 OF 2016

SUVARNA W/O YOGESH MORE & ORS
VERSUS
THE STATE OF MAHARASHTRA & ANR

...

Advocate for Applicants : Mr. Sharad V. Natu
APP for Respondents: Mr. P. G. Borade
Advocate Mr. B. S. Shinde

. . .

CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 1ST DECEMBER, 2016.

PER COURT:

Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties. Heard finally with the consent of parties.

2] This is application filed for quashing the FIR dated 26.8.2016 bearing no.138/2016 lodged with City Police Station, Jalgaon by Respondent No.2 for offence punishable under Section 406 and 420 r/w 34 of the Indian Penal Code, 1860.

3] Pursuant to notices issued to the respondents, respondent No.2 has caused appearance. Learned counsel for the applicant has tendered across bar pursis. Same is taken on record. The said pursis is accompanied with the photo copy of the demand drafts, prepared in the name of respondent No.2 and also in the name of Yogesh and Nilesh. Respondent No.2 has accepted the demand drafts (3 in number) through the Advocate appearing for her, from the learned counsel for the applicant. The details about the demand drafts are mentioned in the pursis filed by the counsel appearing for the applicants.

4] Learned counsel for the respondent No.2, on instructions, who is present in the court, submits that grievance of the respondent No.2 stands redressed in view of handing over the Demand Drafts and she does not wish to further pursue the allegations in the aforementioned FIR. There is a joint prayer by the applicants and respondent No.2 to quash the FIR in view of the aforementioned developments taken place after filing this application. Learned counsel for the respondent No.2 on instructions, makes a statement that the respondent No.2 has no objection in case the original documents I.e. Fixed Deposit Receipts are handed over by the I.O. to the applicants.

5] In the light of the observations in foregoing paragraphs and keeping in view the exposition of law in the case of ***Gian Singh Vs. State of Punjab and another*** reported in (2012) 10 SCC 303, we are of the considered view that further continuation of investigation/proceedings on the basis of the aforementioned FIR would be abuse of process of law and wastage of time of the prosecution agency and the Court.

6] For the reasons aforementioned, the application is allowed in terms of prayer clause (B). Rule is made absolute in above terms. The Investigating Officer is directed to hand over the Fixed Deposit Receipts to the applicants.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-