

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1085 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.J.A. Udaipuri i/by M/s. Udaipuri & Co. for the Petitioner.

Mr. Rejendra Choudhary for Respondent No.2.

Mrs.S.V.Gajare,APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 22nd March, 2016

P.C.

This is a petition for quashing and setting aside the issuance of process order. The respondent No.2 has filed Charge sheet after completion of investigation in CR No.II-94/2010 under Section 43-I, 66(B) and 66(C) of the Information Technology Act, 2008.

2) The learned counsel appearing for the petitioner submitted that the parties herein have amicably settled the matter out of Court and respondent No.2 is withdrawing the criminal complainant filed by her, with the respondent No.1 which has now culminated into Criminal Case No.550/2011 and pending on the file of Judicial Magistrate First Class, Court No.3, Kalyan, District Thane. The learned counsel appearing for Respondent No.2, the original complainant tendered an affidavit dated 17.3.2016 solemnly affirmed by the respondent No.2. Respondent No.2 is personally

present in Court and through her counsel submitted that whatever stated in the said affidavit is true and correct and she has no objection in quashing the first information report which has now culminated into Criminal Case No.550/2011 pending on the file of Judicial Magistrate First Class, Court No.3, Kalyan, District Thane. The said affidavit is taken on record and marked "X" for identification. In the said affidavit it is specifically stated that she is no more interested in pursuing the original complaint i.e. CR No.II-94/2000 lodged with Manpada Police Station, Dombivli, District Thane which has now culminated into Criminal Case No.550/2011 and is pending on the file of JMFC, Court No.3, Kalyan, District Thane. In view of the affidavit dated 17.3.2016, CR No.II-94-2010 culminated into C.C. No.550/2011 is hereby quashed and set aside.

3) The learned counsel appearing for the petitioner on instructions submitted that the petitioner will withdraw the criminal case instituted by him under Section 500 of the Indian Penal Code, which is pending on the file of the learned Metropolitan Magistrate at Kurla on or before 31.3.2016. The said statement is accepted as an undertaking given to this Court.

4) Petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)