

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO.1065 OF 2016

Mr. Gaurav Dilip Hinduja and Others. .. Applicants
Vs
Gagandeep Singh Chhabra and Another. .. Respondents
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Shri Sandeep S. Pandey for the Applicants.
Shri Shyamrishi Pathak for the Respondent No.1.
Shri K.V. Saste, APP for the Respondent No.2.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 7TH OCTOBER 2016

P.C.

1. This matter was on board on 5th October 2016 and is kept today for passing order. On 5th October 2016, the first, third and fourth Applicants were personally present in the Court.

2. Rule. The Advocate for the first Respondent waives service. The learned APP waives service for the second Respondent. Forthwith taken up for final disposal.

3. The prayer in this Application under Section 482 of the Code of Criminal Procedure, 1973 (for short “CrPC”) is for quashing the First Information Report (FIR) for the offence punishable under Sections 141, 143, 147, 323, 504, 506 of the Indian Penal Code and the

chargesheet filed by the police and the proceedings before the learned Magistrate based on the charge sheet. During the pendency of the trial, an Application for compounding was made by the second Respondent and the Applicant. The said Application came to be rejected on the ground that the offence punishable under Section 147 of the Indian Penal Code is not compoundable.

4. There is an affidavit filed by the victims of the alleged offence as well as by the first informant recording their no objection for quashing. We may note here that the first Applicant himself is the first informant. As pointed out earlier, all the offences alleged against the accused are compoundable except one offence. In view of the settlement between the first informant and the victims of the offence, this is a fit case to exercise the power under Section 482 of the CrPC inasmuch as the chances of conviction are very bleak. This is also apparent from the evidence of the prosecution witnesses recorded by the learned Magistrate, copies of which have been annexed to this Application. Accordingly, the Application must succeed and we pass the following order.

ORDER :

- (a) The Rule is made absolute in terms of prayer
Clause (b), which reads thus:

“(b) this Hon'ble Court may kindly be pleased to exercise its inherent powers for quashing of F.I.R. No.21 of 2010 registered with RCF Police Station for offences punishable under section 141, 143, 147, 323, 504, 506 of Indian Penal Code and consequential C.C. No.416/PS/2010 on the file of Learned M.M. 52nd Court, Kurla, Mumbai for offences punishable under section 141, 143, 147, 323, 504, 506 of Indian Penal Code, under section 482 of Criminal Procedure Code, 1973.”

(b) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)