

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.57 OF 2017

Mr. Jitendra @ Hitendra

Vasudev Upadhyay

....Applicant

V/s.

The State of Maharashtra & Anr.

....Respondents

And

Mr. Akshay Kumar Ramaswami

...Injured Person

Mr. Jitendra Tiwari i/by Mr. S.R.Dubey, Advocates for Applicant.

Mr. J.P.Yagnik, APP for the Respondent-State.

Mr. R.M.Pankar, Advocate for Respondent No.2.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 10TH AUGUST, 2017.

PC. :-

The above criminal application seeks quashing of the FIR No.424 of 2016 lodged with Mulund Police Station under Sections 326, 323, 34 of the IPC. Respondent No.2 herein who is the first informant has filed his affidavit dated 28.1.2017. The injured, i.e., Mr. Akshay Kumar Ramaswami has also affidavit dated 10.8.2017. In the context of the reliefs sought, paragraph 6 of the said affidavit is material and is re-produced hereunder:

“6 I pray that this Hon'ble Court be pleased to quash FIR No.424 of 2016, dated 18/10/2016 lodged with Mulund Police Station under Sections 326, 323, 34 of the Indian Penal Code, 1860 AS AMENDED against the applicant in the interest of justice.”

2 Hence, reading of the said affidavit filed by the respondent no.2 as also affidavit filed by the Injured Person disclose that parties have amicably resolved their disputes. Hence, in terms of the judgments of the Apex Court in the case of **Gian Singh v. State of Punjab (2012) 10 SCC 303** and **Narinder Singh v. State of Punjab (2014) 6 SCC 466**, there is no impediment in quashing and setting aside the FIR No.424 of 2016. The respondent no.2, i.e., the first informant is personally present in the Court. He has been identified by the learned counsel appearing for him, i.e., Mr. R.M.Pankar. He has also been identified by his Adhar Card bearing no.4666 6416 9282. When queried, he states that affidavit annexed to the above petition at Page 15 is his and he is agreeable to the quashing of the FIR. Injured Akshay Kumar Ramaswami is also identified by the learned counsel Shri R.M.Pankar. He is also identified by his Adhar Card No.6984 8938 2460. When put in the box and queried, he states that he has no objection to the FIR being

quashed and set aside. The above criminal application is accordingly allowed and made absolute in terms of prayer clause (a).

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)