

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.125 OF 2017

Mr. Sachidanand CalangutcarApplicant
V/s.
The State of Maharashtra & Ors.Respondents

Mr. Ashish Dubey i/by Mr. Rishi Bhuta, Advocates for Applicant.
Mrs. S.V.Sonawane, APP for the Respondent-State.

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

DATE :- 8TH SEPTEMBER, 2017.

PC. :-

The above Criminal Application has been filed for quashing of the FIR No.363 of 2016 registered with Amboli Police Station for the offences punishable under Sections 337 of IPC. The above Application has been filed by the First Informant, the Injured, in the said incident which took place on 9.9.2016 is his daughter. The First Informant, i.e., the Applicant and the Injured are personally present in the Court . The Injured has filed her affidavit dated 10.8.2017. The relevant extract of the said affidavit which is material in the context of the reliefs sought in the present Petition are re-produced hereunder:

“ That I have no objection if the FIR bearing no.363/2016 registered with Amboli Police Station is quashed by Hon'ble High Court.

That I have authorised my father Mr. Sachidanand Calangutkar to consent for quashing of the FIR in my absence.

That I am giving my consent out of my free will and not under any force or coercion or threat.”

2 The Complainant as indicated above is personally present in the Court. He is identified by the learned counsel Mr. Ashish Dubey. He is also identified by his Adhar Card No.8016 5390 5122. When put in the box and queried, he reiterates what is stated in the Writ Petition and states that he would like to withdraw the FIR and the same be quashed and set aside. The Injured Ms. Neha Sachidanand Calangutkar is also personally present in the Court. She is identified by the learned counsel Mr. Ashish Dubey. She is also identified by her PAN Card bearing No.BIMPC8270M. When put in the box and queried, she states that she reiterates what is stated in the Writ Petition and states that she would like to withdraw the FIR and same be quashed and set aside.

3 Having regard to the judgment of the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303 would also lead to the same conclusion. No useful purpose would therefore be served by keeping the proceedings pending. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (c).

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)