

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.501 OF 2016

Edifice Properties Pvt. Ltd.Applicant
V/s.
State of Maharashtra & Ors.Respondents

Mr. K.S.Patil, Advocate for Applicant.
Mr. K.V.Saste, Addl. PP for the Respondent-State.
Mr. A.B. Tajane, advocate for Respondent No.2.

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

DATE :- 10TH AUGUST, 2017.

RC. :-

The above criminal application seeks quashing and setting aside of the proceedings arising out of FIR bearing C.R.No.61 of 2016 registered with Khadki Police Station, Pune. In another application being Criminal Application No.834 of 2016, the proceeding has been set aside against the accused nos.1,2 and 3. This is in view of the fact that the respondent no.2 in the said petition, i.e., the first informant has filed an affidavit dated 12.6.2017. In the said affidavit in paragraph 2, she has stated that she does not want to continue with the further investigation of the

subject FIR and has also given consent for quashing and setting aside of the subject FIR. It is further recorded in the order dated 13.6.2017 passed in the said Criminal Application that on being queried, she stated that she has gone through the contents of the said criminal application and that she has no objection to quash and set aside the proceedings of the subject criminal case against the applicant as well as others. It has been further recorded that she has given consent out of her own free will and without any force or coercion.

2 The Division Bench herein in the said criminal application relied upon the judgment of the Apex Court in **Narinder Singh v. State of Punjab** reported in **2014 AIR SCW 2065** observed that no purpose would be served by keeping criminal proceeding pending which would result in burdening the criminal Courts which are already overburdened. In view of the fact that the first informant, i.e., the respondent no.2 who is also the respondent no.2 in the present application has in terms stated that she does not want to continue with further investigation of the said FIR and she has no objection for quashing and setting aside the proceedings, the above

criminal application filed by the co-accused, i.e., accused no.4 would have to be allowed and is accordingly, allowed in terms of prayer clauses (a) and disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)