

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.681 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

None for the Applicants.

Ms.R.M. Gadhvi, Additional PP for the Respondent No.1.

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CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ
DATED : 24TH JANUARY 2017

P.C.:

. None appears for the Applicants. The prayer in this Application is for quashing the First Information Report registered at the instance of the second Respondent for the offence punishable under Sections 387, 323, 506 and 504 read with Section 34 of the Indian Penal Code.

2. The learned APP on instructions of PI Thorat, attached to Agripada Police Station, states that chargesheet has been already filed. The prayer for

quashing is based only on settlement. We have, therefore, perused the affidavit of the second Respondent -Complainant which is filed before the Sessions Court. All that the affidavit records is that the second Respondent does not wish to continue with the complaint as the Accused have tendered apology and have agreed to give an undertaking in writing that they will not commit the same offence again. There is no affidavit filed on record incorporating any settlement between the first informant and the Accused. On the basis of aforesaid affidavit, the prayer for quashing a serious offence in exercise of the powers under Section 482 of the Code of Criminal Procedure, 1973 cannot be granted. Accordingly, the Application is rejected. However, we make it clear that we have made no adjudication on merits.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)