

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2649 OF 2017

Jay Kantilal Gada & Anr.

.. Petitioners

V/s.

The State of Maharashtra & Ors.

.. Respondents

.....

Mr.Ranjeet Patil i/b. Mr.K.S. Patil, Advocate for the Petitioners.

Mrs.A.S. Pai, APP for Respondent – State.

Mr.P.P. Shah, Advocate for Respondent Nos.2 to 4.

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CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATED : OCTOBER 10, 2017.

P.C. :

Heard learned counsel for the petitioner, respondent nos.2 to 4 and learned APP. Petition is filed for quashing and setting aside the FIR bearing C.R. No.124 of 2017, registered with N.M. Joshi Marg Police Station, Mumbai, at the instance of respondent no.2 for an offence punishable under Sections 324, 323, 504 and 506 read with Section 34 of the IPC.

2 Pending investigation, parties settled their dispute amicably and in pursuance to the understanding arrived at between them, respondents does not desire to prosecute the petitioners in the subject FIR. The respondent no.2 as well as

respondent nos.3 and 4 have filed affidavits stating therein that they have no objection for quashing the subject FIR. Respondent nos.2 and 4 are present in Court. On specific query made by us, they submitted that they have filed the said affidavits on their own free will, without being any pressure or undue influence. They further confirmed that they have no objection for quashing for the subject FIR, initiated by them against the petitioners.

3 In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of ***Narinder Singh vs. State of Punjab***¹, we are of the considered view that there is no impediment in quashing the subject FIR bearing C.R. No.124 of 2017, registered with N.M. Joshi Marg Police Station, Mumbai

4 Accordingly, writ petition is allowed in terms of prayer clause (a), subject to payment of cost of Rs.5,000/- (Rupees Five Thousand) which shall be paid to the “***Kirtikar Library, Bombay High Court***”. For the quashment to take effect, the petitioner shall pay above costs and produce the receipt thereof on the file of this Court within the period of four weeks from today. In the event costs are not paid and receipt is

1 2014 AIR SCW 2065

not produced within stipulated time, the petition shall stand dismissed automatically without further reference to the Court and order quashing the FIR shall be treated as non-est.

5 Writ Petition is, accordingly, disposed of.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)