

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3090 OF 2017**

Mr. Prasad Vilas Naik

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Amol Patankar for the Petitioner

Mr. Prashant Badole i/b Mr. Vatasal Thakkar for the Respondent No.2

Mrs. S. D. Shinde APP for the Respondent-State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 11th AUGUST, 2017**

PC

1 Rule, with the consent of the Learned Counsel for the parties made returnable forthwith and heard.

2 The above Criminal Writ Petition has been filed seeking quashing and setting aside of the FIR registered with the Mahim Police Station bearing C. R. No.208 of 2017 for offences punishable under Sections 326, 324, 323, 149, 143, 145, 147 of the Indian Penal Code.

3 The Petitioner and the First Informant i.e. the Respondent No.2 herein were friends and the dispute it seems has arisen on account of the misunderstanding between the two. It is required to be noted that the Petitioner and the Respondent No.2 are about 21 years of age. The

Respondent No.2 i.e. the Complainant has filed an affidavit bearing today's date i.e. 11-8-2017.

4 Having regard to the reliefs sought in the above Criminal Writ Petition, paragraphs 3, 4 and 5 are relevant and are reproduced hereinunder :

3. I say that due to intervention of the parents and seniors in the locality, we have patched up all the disputes which have arisen out of the misunderstanding between us. I say that now I do not have any dispute with Prasad Naik or his friends neither they have any dispute with me or with my friends.

4. I say that since the misunderstanding between us is dissolved, I do not wish to pursue the FIR lodged by me with Mahim Police Station on 20-7-2017. I further state that I have given no objection to Prasad Vilas Naik for his anticipatory bail filed in the Hon'ble Sessions Court.

5. I say that the misunderstanding between me and Prasad has been resolved amicably due to intervention of parents and seniors and neither side has used any pressure or force or any coercion in any manner to resolve the dispute.

5 The said affidavit therefore discloses that the Petitioner and the First Informant have amicably resolved their dispute. Hence having regard to the judgment of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no impediment in quashing and setting aside the FIR being C. R.

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065

No.208 of 2017 registered with the Mahim Police Station. The Respondent No.2 is personally present in court, he is identified by Mr. Badole the Learned Counsel appearing for him and he is also identified by his Adhar Card bearing No.645474947742. When put in the box and queried he states that the affidavit is his own and that he has signed the said affidavit of his own free will and volition. In the light of the above, the Petition is allowed in terms of prayer clause (a). Rule is accordingly made absolute. The above Writ Petition is accordingly disposed of.

6 The Learned Counsel Mr. Badole undertakes to file vakalatnama on behalf of the Respondent No.2 in the course of the day.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]