

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2777 OF 2016**

Harish Khan alias Hitendra
Chimnalal Panchal

...Petitioner

Versus

The State of Maharashtra

...Respondent

.....

Mr. Mukesh Kumar Mishra i/b. Mr. Mahesh Prajapati for the
Petitioner.

Dr. F.R. Shaikh, APP for the Respondent No.1-State.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 15th MARCH, 2017.

P.C.:-

Not on board. Taken on board.

2. Perused the charge sheet and the affidavit of the First Informant filed in the Bail Application. On the basis of the said affidavit, we are not inclined to entertain the prayer for quashing the charge sheet on the ground of settlement. At this stage, the learned counsel appearing for the Petitioner invites our attention to Criminal Application for intervention filed by the First Informant and in particular an affidavit dated 5th January, 2017 annexed to the said Application. In the said affidavit, she has stated that the allegations made by her in the First Information Report were made out of

misunderstanding and miscommunication. She has stated that she has given a consent for quashing the charge sheet as now she is married and she does not want to disclose the fact that she had lodged the First Information Report to her husband.

3. After having carefully perused both the affidavits, we find that there is no element of settlement whatsoever reflected from both the affidavits. In the present case, even charge sheet has been filed by the police after completion of the investigation. Going by both the affidavits, all that the First Informant wants to state is that now it is inconvenient for her to continue the prosecution. That is no ground to quash the proceedings for serious offences punishable under sections 376, 354 and 506 Part II of the Indian Penal Code. Hence, the prayer for quashing cannot be entertained on the basis of the alleged settlement. The Petition is accordingly, rejected.

4. However, we make it clear that we have made no adjudication on the merits of the controversy.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)